



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fourteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8069 of 2019

1 CHINNADURAI

2 M.KARTHIK

... PETITIONERS

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI,
CRIME NO.105/2019

... RESPONDENT

For Petitioner : MR.RAJA KARTHIKEYAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the first petitioner is working as Hitachi Operator and the second petitioner is working as Tipper Lorry Driver in the M/s.SVP Associates, Tiruchendur. He has further submitted that the said M/s.SVP Associates is a Sub Contractor in the Udankudi Thermal Power Plant at Udankudi, Tuticorin District. He has further submitted that as per Sub Contract the aforesaid company directed the petitioners to level the patta land and only for the purpose of levelling the said patta land, the petitioners went to the said land with their respective vehicles, but, the respondent police has filed a case as if they have quarried sand. He has also submitted that the petitioners have not committed any offence and therefore, he prayed for granting anticipatory bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) has submitted that the petitioners herein by using the Hitachi Tipper Lorry and illegally taking soil from the patta land without getting any permit and the quantity of the soil is three units. Therefore, she opposed this petition. However, she fairly conceded that no previous case is pending against the petitioners.



5. Taking into consideration of the allegations levelled against the petitioners and also considering the fact that they have taken soil only from the patta land and they have no previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, Thoothukudi District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.105 of 2019, before the learned Judicial Magistrate, Sathankulam, Thoothukudi District, without prejudice his defence before the trial court.

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT.

2 TO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3 THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
THOOTHUKUDI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAJA KARTHIKEYAN Advocate SR.No. 68914

ORDER
IN
CRL OP(MD) No.8069 of 2019
Date :14/06/2019

JM/VR/SAR 4/18.06.2019/3P/6C