



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8080 of 2019

Vinoth Kumar

... Petitioner/Accused No.8

Vs

State rep.by
The Inspector of Police,,
Kulithalai Police Station,
Karur District.
Crime No.250/2019.

... Respondent/Complainant

For Petitioner : M/s.V.Kannan,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

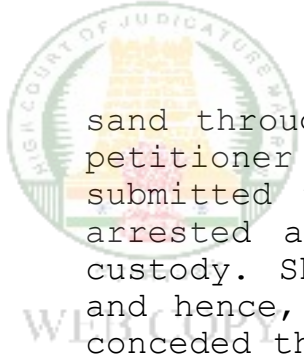
For Anticipator Bail in Crime No.250/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 379, 353, 323, 354, 506(i) and 294(b) of I.P.C and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.250 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in the above case. He has further submitted that in the FIR, no specific overt act is attributed against the petitioner. He further submitted that injured sustained only simple injury and he has been discharged from the hospital and he prayed for grant of anticipatory bail to the petitioner.

3.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that totally eight accused were involved in this case and all of them tried to transport the river



sand through TATA ACE bearing Registration No.TN-47-Z-7605 and the petitioner herein is the driver of the said vehicle. She has further submitted that except this petitioner, all other petitioners were arrested and remanded to judicial custody and they are still in custody. She further submitted that investigation is still pending and hence, she strongly opposed this petition. However, she fairly conceded that no previous case is pending against the petitioner.

4. Taking into consideration of the fact that already A1 to A7 were arrested and remanded to judicial custody and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A 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 NO.I, KULITHALAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.8080 of 2019

Date :14/06/2019

MS/VR/SAR-1/19.06.2019/3P.5C