

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 (Criminal Jurisdiction)
 Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8184 of 2019

Nagaraj

... Petitioner/Accused No.1

Vs

The State Rep by its
 The Sub-Inspector of Police,
 Bodinayakanur Rural Police Station,
 Theni District.
 Cr.No.267/2019

... Respondent/Complainant

For Petitioner : M/s.M.S.Jeyakarthik, Advocate
 For Respondent : Mr.V.Neelakandan,
 Additional Public Prosecutor,

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

PRAYER :-

For Anticipatory bail in Cr.No.267/2019 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 379 of
 IPC and Section 21(1) and 21(5) of Mines and Minerals (Development
 and Regulation) Act, 1957 in Crime No.267 of 2019, seeks
 anticipatory bail.

2.The learned counsel appearing for the petitioner has
 submitted that the petitioner is an innocent person and he has not
 committed any offence and he has been falsely implicated in the
 above case. He has further submitted that the petitioner is ready to
 deposit the cost of the sand. Hence, he prayed for grant of
 anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the
 respondent has submitted that the petitioner is sole accused and he
 has transported one unit of river sand illegally without any permit.
 Hence, he opposed to grant anticipatory bail to the petitioner.
 However, he conceded that the petitioner has no previous case and
 the vehicle along with sand used for committing the offence was
 recovered.

4. Taking into consideration the fact that the petitioner has no previous case, also the fact that the vehicle used for committing the offence along with sand was recovered and the petitioner is ready to deposit the cost of the sand, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, Bodi, on condition that the petitioner 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 petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Cr.No.267 of 2019 on the file of the Bodinayakanur Rural Police Station, Theni District.

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

(iii) 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.

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

(v) the petitioner shall not abscond 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 229-A IPC.

sd/-

14/06/2019

/ TRUE COPY /

TO

- 1.The Judicial Magistrate, Bodi,
Theni District.
- 2.The Chief Judicial Magistrate,
Theni District.
- 3.The Sub-Inspector of Police,
Bodinayakanur Rural Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-9896[I] dated 18/06/2019)

ORDER
IN
CRL OP(MD) No.8184 of 2019
Date : 14/06/2019

vs
TK/JC/SAR.3/24.06.2019/3P/6C



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