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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.8195 of 2019

1. Karukkuvel
2. Esakkimuthu
3. Prasanth
4. Sathasivam
5. Sivasamy ... Petitioners/Accused No.1 to 5

Vs

State Rep.by,
The Inspector of Police,
Aravakuruchi Police Station,
Karur District
(Cr.No.195/2019). ... Respondent/Complainant

For Petitioner : M/s.R.Mathiyalagan
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.195/2019 on the file of the respondent police.

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 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 r/w Section 379 I.P.C, in Crime No.195 of 2019, seek anticipatory bail.

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

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3.The learned Additional Public Prosecutor appearing for the respondent has submitted that they are totally five accused in this case. The petitioners have attempted to commit theft of 4.1/2 units sand. On seeing the Police, the petitioners ran away from the scene of occurrence and vehicles used for commission of offence along with sand were seized. Hence, he opposed to grant anticipatory bail to the petitioners. However, he conceded that the petitioners have no previous case.

4.Taking into consideration the fact that the petitioners have no previous case, also the fact that the vehicles used for commission of offence along with sand were seized and the petitioners are ready to deposit the cost of the sand, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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, No.II, Karur on condition that each of 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) each of the petitioners shall deposit a sum of Rs.13,500/- (Rupees thirteen thousand five hundred only) to the credit of Cr.No.195 of 2019 on the file of the Aravakuruchi Police Station, Karur District.

(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 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

(v) the petitioners 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].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/06/2019

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

TO

1.THE JUDICIAL MAGISTRATE NO.II.
KARUR

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE.
KARUR

3.THE INSPECTOR OF POLICE
ARAVAKURUCHI POLICE STATION,
KARUR DISTRICT

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

+1. CC to M/S.R.MATHIYALAGAN Advocate SR.No.9866

ORDER
IN
CRL OP(MD) No.8195 of 2019
Date :14/06/2019

VS
PK/JC/SAR-2/24.06.2019 : 3P/6C

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