



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

( Criminal Jurisdiction )

Date : 19/06/2019

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PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.8235 of 2019**

Balakrishnan,

... Petitioner/Accused  
(Rank Not known)

Vs

The State represented by,  
The Inspector of Police,  
Pattiveeranpatti Police Station,  
Dindigul District,  
Cr No. 203 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,  
Advocate.

For Respondent : V. Neelakandan,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No.203 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 379 of IPC r/w.Section 21 of Mines and Minerals (Development and Regulation ) Act, 1957, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above said case. He would further submit that no previous case is pending against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein along with other accused had illegally transported half unit of river sand. he would further submit that no other case pending against the petitioner.

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5. Taking into consideration the fact that no previous case is pending against the petitioner and also considering the fact that co-accused in this case were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Nilakottai, Dindigul District 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) the petitioner shall deposit a sum of Rs.7,500/- (Rupees Seven thousand and Five hundred only) to the credit of Crime No.203 of 2019 before the learned Judicial Magistrate, Nilakottai, Dindigul District, without prejudice his defence before the trial Court;

(ii) If the petitioner fail 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/-  
19/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,  
NILAKOTTAI, DINDIGUL DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE,  
PATTIVEERANPATTI POLICE STATION,  
DINDIGUL DISTRICT,

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

+1 CC to Mr.M.PITCHAI MUTHU, Advocate ( SR-10266[I] dated 21/06/2019  
)

ORDER

IN

CRL OP (MD) No.8235 of 2019

Date :19/06/2019

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AE/JC/SAR-III (25.06.2019) 3P 6C