

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.8248 of 2019

Murugan

... Petitioner/Accused No.2

Vs

State by,
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
Cr.No.125 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Samuel Gunasingh,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no.125 of 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 Section 379 IPC.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He has further submitted that the petitioner has been falsely implicated in the above said case.

4. Per contra, the learned Government Advocate (Crl.Side) has submitted that the petitioner herein along with other accused persons had illegally transported 13 tonnes of red gravel. He has further submitted that the petitioner is involved in the illegal sand transport without valid permission and there is no previous case pending against the petitioners.

5. Considering the facts and circumstances of the case and also considering the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 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 No.IV, Tirunelveli, 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.15,000/- (Rupees Fifteen Thousand Only) to the credit of Crime No.125 of 2019, before the learned Judicial Magistrate No.IV, Tirunelveli, 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 10.00.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 petitioner 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 /

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3. THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI

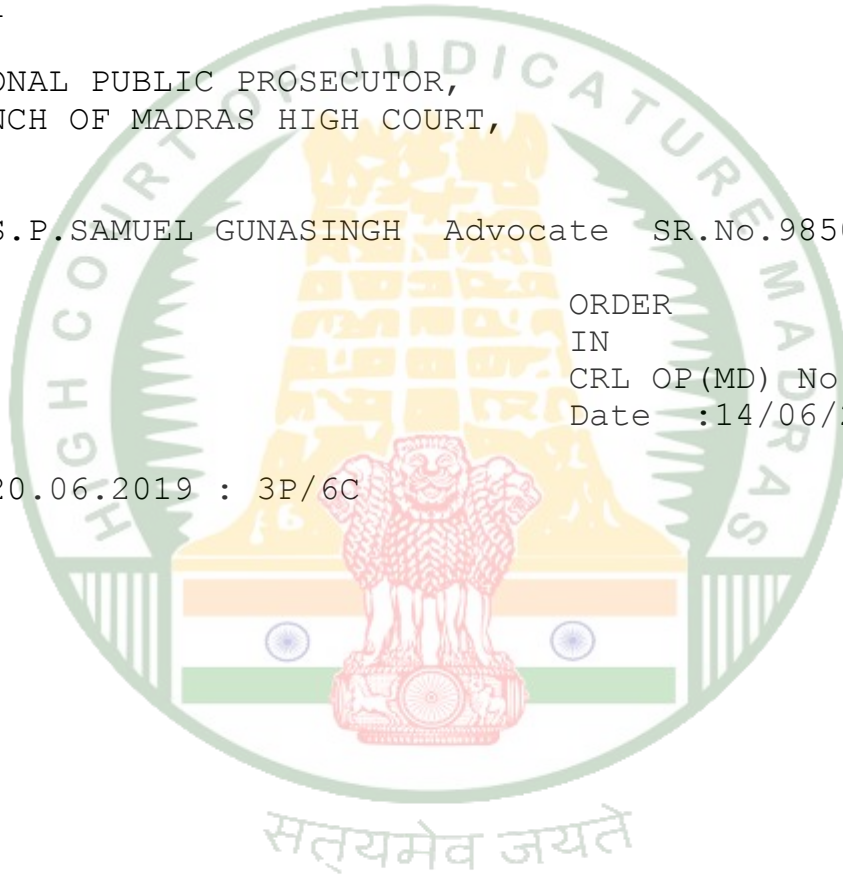
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No.9850

ORDER
IN
CRL OP(MD) No.8248 of 2019
Date :14/06/2019

DAS

PK/JC/SAR-4/20.06.2019 : 3P/6C



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