



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8275 of 2019

1. M.Suresh Kannan
2. Rajesh Kannan

... Petitioners/Accused No.1 & 2

Vs

State rep.by,
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.74/2019.

... Respondent/Complainant

For Petitioners : M/s.R.Murugan,
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 Crime No. 74 of 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 offence punishable under Section 379 of
IPC and Section 21(4) of Mines and Minerals Act, seek anticipatory
bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent persons and they have
been falsely implicated in the above said case. He further
submitted that no previous case is pending against the petitioners
and hence, he prayed for grant of anticipatory bail to the
petitioners.

4.The learned Additional Public Prosecutor appearing for the
respondent has submitted that the petitioners had illegally
transported one unit of silt soil. He further submitted that no
previous case is pending against the petitioners and hence, he
strongly opposed this petition.



5. Taking into consideration of the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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.I, Ramanathapuram, 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 petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.74 of 2019 before the learned Judicial Magistrate No.I, Ramanathapuram, without prejudice his defence before the trial Court;

(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 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. I
RAMANATHAPURAM

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

3. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.R.MURUGAN Advocate SR.No.9828

ORDER

IN

CRL OP (MD) No.8275 of 2019

Date : 17/06/2019

SJI

PK/PN/SAR-2/21.06.2019 : 3P/6C