



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.8325 of 2019

Rajesh

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No.194 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For anticipatory bail in cr.no.194 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 offence punishable under sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the above said case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent has submitted that the petitioner had illegally transported one unit of river sand and hence, she strongly opposed this petition. However, she fairly conceded that no previous case is pending against the petitioner.



5. Taking into consideration of the fact that no previous case is pending against the petitioner, 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 No.I, Thanjavur 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.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.194 of 2019 before the learned Judicial Magistrate No.I, Thanjavur 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/-
17/06/2019

/ TRUE COPY /



TO

1.The Judicial Magistrate No.I,
Thanjavur District.

2.Do-Through The Chief Judicial Magistrate,
Thanjore District at Kumbakonam.

3.The Inspector of Police,
Town West Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-9842[I] dated 17/06/2019
)

ORDER

IN

CRL OP (MD) No.8325 of 2019

sj i

TK/JC/SAR.1/21.06.2019/3P/6C