



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.8361 of 2019

S. Kumar, ... Petitioner/Sole Accused

Vs

State rep.by
The Sub Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Cr.No.122 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.R.Kannappan,
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.122 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 section 379 of IPC r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that totally there are two accused in this case and the petitioner herein is arrayed as A-1. He further submitted that the petitioner herein is the driver. He further submitted that he 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 Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner herein along with other accused person had illegally transported three units of river sand and hence, he 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.II, Kovilpatti, 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.27,500/- (Rupees Twenty Seven Thousand and Five hundred only) to the credit of Crime No.122 of 2019 before the learned Judicial Magistrate No.II, Kovilpatti, without prejudice his defence before the trial Court;

(ii) 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.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
17/09/2019

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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, Kovilpatti.

2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.

3. The Sub Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

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

+1 CC to Mr.A.R.KANNAPPAN, Advocate (SR-9849[I] dated 17/06/2019)

ORDER

IN

CRL OP(MD) No.8361 of 2019

Date :17/09/2019

sjj

MS/VR//SAR-IV (24.06.2019) 3P 6C