



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 19/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8469 of 2019

1. Sakthivel
2. Karthikeyan

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Sub Inspector of Police,
Vangal Police Station,
Karur District
(Crime No.130/2019)

... Respondent/Complainant

For Petitioners : Mn/s.T.Lenin Kumar,
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.130 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 r/w Section 21(1)(A)(B) of Tamil Nadu Mines and Minerals Development and Regulation Act 1957, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that they are innocent persons and they have been falsely implicated in the above said case. He further submitted that the first petitioner herein is the driver and the second petitioner herein is the owner. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioners had illegally



transported six units of river sand. He further submitted that there is no other case pending against the petitioners.

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.II, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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.90,000/- (Rupees Ninety thousand only) to the credit of Crime No.130 of 2019 before the learned Judicial Magistrate No.II, Karur, 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/-

19/06/2019

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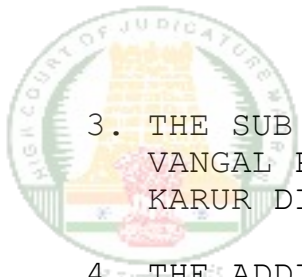
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, KARUR.

<https://hcservices.courts.gov.in/hcservices/>

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.



3. THE SUB INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT

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

+1. CC to MN/S.T.LENIN KUMAR Advocate SR.No.10122

ORDER

IN

CRL OP (MD) No.8469 of 2019

Date :19/06/2019

MS/VR/SAR-1/21.06.2019/3P.6C