



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

Wednesday, the Nineteenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8547 of 2019

S.GURURAJ

... PETITIONERS / ACCUSED NO.4

Vs

STATE REP. BY
THE SUB-INSPECTOR OF POLICE,
SATHUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.110 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.ANANDKUMAR Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A-4, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 and 109 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the above said case. He further submitted that A-1 to A-3 was already arrested and released on bail. 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 totally there are four accused persons involved in this case. She further submitted that the petitioner and other accused persons had illegally transported eighteen units of river sand. She further submitted that A-1 to A-3 was already arrested and released on bail 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.II, Sathur, 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.67,500/- (Rupees Sixty Seven Thousand and Five Hundred only) to the credit of Crime No.59 of 2019 before the learned Judicial Magistrate No.II, Sathur, without prejudice his defence before the trial Court;

(ii) If the petitioner fails 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/-
19/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SATHUR

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

3 THE SUB-INSPECTOR OF POLICE,
SATHUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.SEKAR, Advocate SR.No. 10115

ORDER

IN

CRL OP(MD) No.8547 of 2019

Date :19/06/2019

JM/VR/SAR 4/21.06.2019/3P/6C