



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

Date : 24/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8824 of 2019

1.Ganaprakasajegan
2.Arulselvam

... Petitioners/Accused
No.1 and 2

Vs

State rep.by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District
Cr.No.120 of 2019

... Respondent/Complainant

For Petitioners : Mr.C.Susikumar,
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.120 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 (Sand Theft), 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. 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 one unit of river sand and hence, he strongly opposed
this petition. However, he fairly conceded that no previous case is
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, Valliyoor on condition that the petitioners 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.15,000/- (Rupees Fifteen Thousand only) being the cost of the sand to the credit of Crime No.120 of 2019 before the learned Judicial Magistrate, Valliyoor, 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/-

24/06/2019

/ TRUE COPY /

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



TO

1. The Judicial Magistrate, Valliyoor.

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

3. The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-10448[I] dated 25/06/2019)

ORDER

IN

CRL OP(MD) No.8824 of 2019

sj i

TK/JC/SAR.4/28.06.2019/3P/6C