



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

Thursday, the Twenty Seventh day of June Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8865 of 2019

1 PALANI MURUGAN
2 MUNIYASAMY
3 UDAYAKUMAR
4 ALAGURAJA

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.47 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

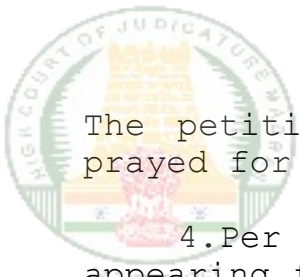
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 430, 353 of IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act 1957 and Section 3 of TNPPDL Act, 1992 in Crime No.47 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that even as per the FIR, the petitioners have transported nine units of sand illegally. He further submitted that A1 and A2 were directed to deposit each Rs.50,000/- while granting anticipatory bail in Crl.O.P.(MD).No.6864 of 2019 by this Court. Accordingly the Accused No.1 and 2 have deposited total sum of Rs.1,00,000/- to the account of Patient Welfare Society, District Headquarters Hospital, Ramanathapuram.



The petitioners are not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have transported nine units of sand without any valid permission. Hence, he opposed this petition. However, he fairly conceded that A1 and A2 already granted anticipatory bail by this Court.

5.Taking into consideration of the fact that there is no bad antecedent against the petitioners and also the fact that A1 and A2 already granted anticipatory bail by this Court and also the aforesaid submission made by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 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, Kadaladi, 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 jointly shall deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the credit of Crime No.47 of 2019 before the learned Judicial Magistrate, Kadaladi, 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 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 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/-
27/06/2019

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KADALADI.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
 - 3 THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M.S. JEYAKARTHIK Advocate SR.No.

COPY TO:
THE AUTHORISED OFFICER,
PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
RAMANATHAPURAM.

ORDER
IN
CRL OP (MD) No.8865 of 2019
Date :27/06/2019

JM/VR/SAR 3/05.07.2019/3P/7C