



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9097 of 2019

Gowtham

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.
(Crime No.185 of 2019).

... Respondent/Complainant

For Petitioner : M/s.V.Jeyarani, Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Criminal Side),

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

PRAYER :-

For Anticipatory Bail in Crime No.185 of 2019 on the file of the respondent Police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(1) of Mines and Minerals of Development and Regulation Act, 1957 r/w Section 379 of IPC, in Crime No.185 of 2019, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in this case. Hence he prayed for grant of anticipatory bail to the petitioner.

4.Per Contra, the learned Government Advocate (Crl.Side) has submitted that in the above case, the petitioner has illegally transported 1 ½ units of river sand through Bolero Pickup Van. She further submitted that there are two previous cases [ie. 1.under Section 506 (ii) IPC, 2.under Sections 294(b) and 506(i) IPC] are pending against the petitioner and granted bail in that cases and hence, she opposed for grant of anticipatory bail.



5. Taking into consideration of the aforesaid fact and also the fact that though similar type of cases are not pending, those cases are under Sections 506 (ii), 294(b) and 506(i) IPC and in those cases the petitioner already granted bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing condition.

WEB COPY

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, Manamadurai, 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:

(a) the petitioner shall deposit a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit in crime number 185 of 2019 on the file of the learned Judicial Magistrate, Manamadurai, without prejudice to his defence before the trial Court;

(b) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c]the petitioner shall report before the Respondent Police, daily at 10.30 for a period of Three Weeks and thereafter, as and when required for the interrogation.

[d] the petitioner shall not abscond either during investigation or trail.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.9097 of 2019
Date :28/06/2019

MS/VR/SAR-2/03.07.2019/3P.5C