



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

Friday, the Twenty Eighth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9145 of 2019

1 SATHISH

2 RAMESH

... PETITIONERS / ACCUSED RANK NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
THOTTIYAM, TRICHY DISTRICT.
CRIME NO.138 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.ARUNRAJ 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 379, 353 and 307 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above said case. He would also submit that even as per the First Information Report the petitioners had transported one unit of river sand. He would further submit that the first petitioner is the driver and the second petitioner is the owner. Hence, he prayed to grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that the petitioners herein were illegally transporting one unit of river sand and when the same was questioned by the defacto complainant, the petitioners herein threatened the



defacto complainant. Hence she strongly opposed for granting anticipatory bail to the petitioners.. She would further submit that no previous case is pending against the petitioners and no one sustained injuries in the said occurrence.

5. Taking into consideration the facts and circumstances of the case also considering the fact that no previous case is pending against the petitioners and also the fact that no one sustained injuries in the said occurrence, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].

[f] 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,
MUSIRI

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

3 THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
THOTTIYAM, TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUN RAJ, Advocate (SR-10726[I] dated 01/07/2019)

ORDER

IN

CRL OP(MD) No.9145 of 2019

Date :28/06/2019

JM/VR/SAR 4/02.07.2019/3P/6C