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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9309 of 2019

1. Alaguraj,,
2. Palani,,

... Petitioner/A1 and A2

Vs

The State rep.by
The Inspector of Police,,
Gandamanur Police Station,
Theni District.
(Crime No.129 of 2019).

... Respondent/Complainant

For Petitioners : M/s.D.Selvanayagam,
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. 129 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 offences punishable under Sections 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.129 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have not committed any offence and they have been falsely implicated in the above case. He has further submitted that the petitioners are



however ready to deposit the cost of the sand. Hence, he prayed for grant of anticipatory bail to the petitioners.

3. The learned Additional Public Prosecutor appearing for the respondent has submitted that there are totally three accused in this case. He further submitted that A-3 was already arrested on 26.06.2019. The petitioners have attempted to transport one unit of sand illegally, without any permit. On seeing the Police, the petitioners ran away from the scene of occurrence and vehicles used were seized. Hence, he opposed to grant anticipatory bail to the petitioners. However, he conceded that the petitioners have no previous case.

4. Taking into consideration the fact that the petitioners have no previous case, also the fact that the vehicles used were seized and the petitioners are ready to deposit the cost of the sand, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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, Aundipatti, Theni District on condition that each of 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:

(i) each the petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) [totally a sum of Rs.10,000/- (Rupees ten thousand only)] to the credit of Cr.No.129 of 2019 on the file of the Gandamanur Police Station, Theni District.

(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 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/-
02/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
AUNDIPATTI, THENI DISTRICT.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
GANDAMANUR POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.D.SELVANAYAGAM, Advocate (SR-10977[I] dated 03/07/2019)

ORDER
IN
CRL OP(MD) No.9309 of 2019
Date :02/07/2019

VS
AE/JC/SAR-II (09.07.2019) 3P 6C