



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

Wednesday, the Third day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9321 of 2019

ROBY PRAPAGARAN

... PETITIONER / ACCUSED-2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SOORANKUDI POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.37/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MOORTHY Advocate

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

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

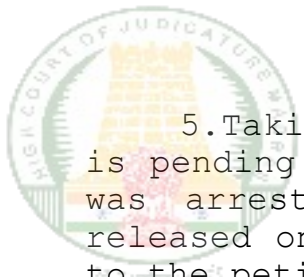
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.37 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that even as per the FIR, the petitioner and other accused person have transported six units of sand illegally. He further submitted that already A1 was arrested and remanded to judicial custody and subsequently released on bail. The petitioner is not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner and other accused person have transported six units of sand by using vehicle without any valid permission. However, he fairly conceded that no similar type of case is pending against the petitioner.



5. Taking into consideration of the fact that no previous case is pending against the petitioner and also the fact that already A1 was arrested and remanded to judicial custody and subsequently released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 Judicial Magistrate Court, Vilathikulam, Thoothukkudi District, 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:

[i] the petitioner shall deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) to the credit of Crime No.37 of 2019 before the Judicial Magistrate Court, Vilathikulam, Thoothukkudi District, without prejudice his defence before the trial Court;

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

(iii) the petitioner 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 petitioner 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 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/-
03/07/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE,
SOORANKUDI POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.MOORTHY Advocate SR.No. 10946

ORDER

IN

CRL OP(MD) No.9321 of 2019

Date :03/07/2019

JM/JC/SAR 4/11.07.2019/3P/6C