



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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.958 of 2019

GANESAN

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION,
TRICHY.

Crime No.181/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.GANAPATHISUBRAMANIAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

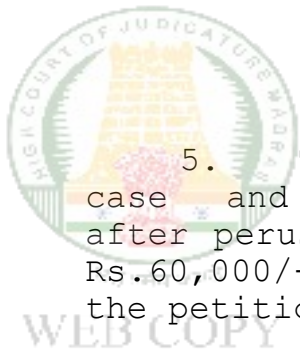
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC and 21(4) of Mines and Minerals(Development and Regulations) Act, 1957 in Cr.No.181 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner committed theft of 3 units of river sand.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner further submitted that he has been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) would submit that this Court has already granted Anticipatory bail to Accused No.1 vide Crl.O.P(MD) No.22751 of 2018 on 02.01.2019 and he was directed to make a non-refundable deposit of Rs.60,000/-to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District.



5. Taking into consideration the facts of the case and the submissions made by the learned counsels, and also after perusing the copy of the slip for the payment made by A1 for Rs.60,000/-, this Court is inclined to grant anticipatory bail to the petitioner/A2.

6. Accordingly, the petitioner/A2 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 No-IV, Trichy 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 said Magistrate, on further condition that:

[a] the petitioner shall report before the respondent police as and when required.

[b] the petitioner is directed to deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand Only) to the Credit of Crime No.181 of 2018 before the concerned Magistrate.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 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].

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

sd/-
31/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO IV,
TRICHY.

2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
NAVALPATTU POLICE STATION, TRICHY.

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

+1. CC to Mr. P. GANAPATHI SUBRAMANIAN Advocate SR.No.2112

ORDER

IN

CRL OP (MD) No.958 of 2019

Date : 31/01/2019

TK/PN/SAR-3/11.02.2019/3P/6C