

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

Wednesday, the Tenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9388 of 2019

1 ADAIKALAM
2 ALAGAN
3 MANIKANDAN
4 BACKIYARAJ
5 KARUNANITHI
6 MARKANDAN

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.185 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.NAVANEETHA RAJA 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC and 21 (1) Mines and Minerals Act, in Crime No. 185 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the FIR, that the petitioners herein have illegally transported one unit of river sand by using vehicle. He further submitted that the petitioners are not having any bad antecedents and hence, he prayed anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that they have transported one unit of river sand without any valid permission. Hence, he opposed this petition. However, he fairly conceded that no similar type of case is pending against the petitioners.

5. The learned counsel for the petitioners has submitted that since the 5th petitioner is having 12 previous cases similar in nature, he is withdrawing the petition insofar as the 5th petitioner is concerned and accordingly, he has also made an endorsement to that effect.

6. Taking into consideration of the fact that the petitioners 1, 2, 3, 4 & 6 are having no previous case, this Court is inclined to grant anticipatory bail to them with certain conditions.

6. Accordingly, the petitioners 1, 2, 3, 4 & 6 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, No.I, Aruppukkottai, Virudhunagar District, on condition that the petitioners 1, 2, 3, 4 & 6 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 petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.185 of 2019 before the Judicial Magistrate, No.I, Aruppukkottai, Virudhunagar District without prejudice to their defence before the trial Court;

(ii) If the petitioners 1, 2, 3, 4 & 6 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners 1, 2, 3, 4 & 6 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 1, 2, 3, 4 & 6 shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners 1, 2, 3, 4 & 6 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 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9. Insofar as the 5th petitioner is concerned, this petition is dismissed as withdrawn.

sd/-
10/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
ARUPPUKKOTTAI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
TIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.NAVANEETHA RAJA Advocate SR.No.11599

ORDER
IN

CRL OP(MD) No.9388 of 2019
Date :10/07/2019

JM/JC/SAR 4/16.07.2019/3P/6C

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