



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

Date : 09/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9563 of 2019

1. Chellakanu
2. Mohammed Rabeek ... Petitioners/Accused No.4 and 5

Vs

State through,
The Inspector of Police,,
Mimisal Police Station
Pudhukottai District.
(Crime No. 43/ 2019). ... Respondent/Complainant

For Petitioner : M/s.R.Venkateshwar,
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.43/2019 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, 511 of IPC and Section 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.43 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. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have attempted to commit sand theft. Hence, he opposed to grant anticipatory bail to the petitioners. However, he conceded that the petitioners have no previous case and the vehicle used for committing the offence was recovered.



4. Taking into consideration of the fact that the petitioners have no previous case, also the fact that the vehicle used for committing the offence was recovered and the petitioners have only attempted to commit sand theft, 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, Aranthangi, Pudhukottai District, on condition that the petitioners shall each 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/-
09/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDHUKOTTAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDHUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MIMISAL POLICE STATION,
PUDHUKOTTAI DISTRICT.

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

+1. CC to M/S.R.VENKATESHWAR Advocate SR.No.11454

ORDER

IN

CRL OP(MD) No.9563 of 2019

Date :09/07/2019

VS

PK/JC/SAR-4/18.07.2019 : 3P/6C