



WEB COPY

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

Date : 08/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9630 of 2019

Muniyasamy,

... Petitioner/Sole Accused

Vs

State represented through
The Inspector of Police,
Thirupalaikudii Police Station,
Ramanathapuram District.
(Crime No. 80 of 2019).

... Respondent/Complainant

For Petitioner : M/s.J.M.Hassanul Bazari,
Advocate.

For Respondent : Mrs.M.Anatha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

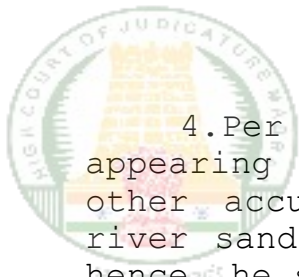
For Anticipatory Bail in Crime No. 80 /2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 379 and
431 of IPC, in Crime No.80 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 has transported 1/4 unit of sand illegally. 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 Government Advocate (Crl. Side) appearing for the respondent has submitted that the petitioner and other accused persons have attempted to illegally transport the river sand and there is no case pending against the petitioner and hence, he strongly opposed this petition.

5. Taking into consideration of the fact that the allegation against the petitioner is only an attempt was made to transport the sand illegally and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned Judicial Magistrate No.1, Ramanathapuram, 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) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) 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.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
08/07/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUPALAIKUDII POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to MR.J.M.HASSNUL BAZARI, Advocate (SR-11318[I] dated
09/07/2019)

ORDER

IN

CRL OP(MD) No.9630 of 2019

Date :08/07/2019

vsg

AE/JC/SAR-II (15.07.2019) 3P 6C