



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10145 of 2019

1. Suresh
2. Muthu
3. Pavunpandi
4. Dharmarajan

... Petitioners/
Accused Rank 3 to 6

Vs

State rep. by
The Sub Inspector of Police,
Saptur Police Station,
Madurai District
Cr.No.86 of 2019.

... Respondent/Complainant

For Petitioners : M/s.R.Sundar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

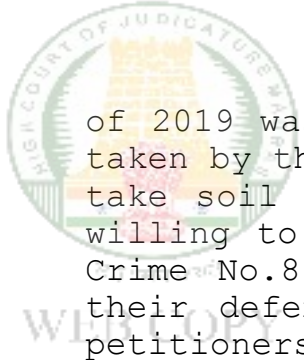
For anticipatory bail in cr.no.86 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 4(1)(1A), 21(5) Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 86 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The previous application seeking anticipatory bail in Crl.OP(MD)No.8871



of 2019 was dismissed by this Court on the ground that the defence taken by the petitioners that they are having valid permit to take soil was not accepted by the Court. Now, the petitioners are willing to deposit a sum of Rs.15,000/- to the credit of Crime No.86 of 2019, before the concerned Court without prejudice their defence. Hence he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that each of the petitioners have illegally transported three units of red soil by using Tipper Lorry. Hence, he opposed this petition.

5.Taking into consideration of the submission made by the learned counsel for the petitioners that the petitioners are willing to deposit a sum of Rs.15,000/- without prejudice their defence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Court, Peraiyur, Madurai District, on condition that the petitioners 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] before executing the bond the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.86 of 2019 before the learned Judicial Magistrate Court, Peraiyur, Madurai District,

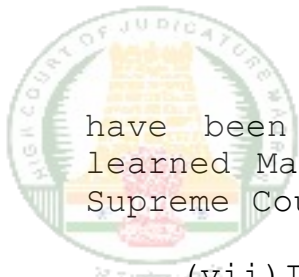
(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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 before the respondent police for interrogation.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Judicial 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.

sd/-
19/07/2019

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

TO

- 1 THE JUDICIAL MAGISTERATE COURT
PERAIYUR MADURAI DISTICT
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
SAPTUR POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.SUNDAR Advocate SR.No.12122

ORDER
IN
CRL OP(MD) No.10145 of 2019
Date :19/07/2019

DAS
JMN/PN/SAR-1/01.08.2019/3P-6C