



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

Wednesday, the Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22752 of 2018

PRABHU

... PETITIONER / ACCUSED NO.18

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO. 222 OF 2012

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.BALAKRISHNAN Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 147, 447, 430, 434 of IPC and 3(i), 3(ii) of TNPPDL Act 1992 r/w 109, 149 of IPC in Cr.No.222 of 2012 seeks anticipatory bail.

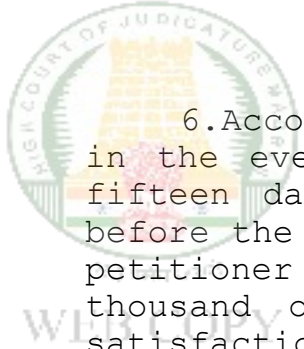
2.The case of the prosecution is that A1 and A2 running a granite quarry and other accused persons are the employees under them. They dumped the remains of the quarry stone into the Kattazhagan Kanmai, thereby cause hindrance to the free flow of water. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime with an intention to cheat the petitioner. The petitioner is only the employee of the A1 and A2.

4.The learned Government Advocate (Crl. Side) submits that the petitioner is arrayed as A19. He is a JCB Operator and lifting the stones. He further submits that investigation has been completed and charge sheet has been filed before the concerned Court and the same was taken on file as P.R.C.No.49 of 2016. The next hearing date before the court below is 23.01.2019 for committal proceedings.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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, Melur, 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] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the Court below till the committal proceedings is over regularly for the hearing dates and thereafter as and when required by the Court insisted upon his appearance.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KEELAVALLAVU POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.BALAKRISHNAN Advocate SR.No. 24

ORDER
IN
CRL OP(MD) No.22752 of 2018
Date :02/01/2019