



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

Date : 10/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9710 of 2019

1. Gopalarishnan
2. Balakrishnan
3. Satheesh
4. Chandra Prabhu

... Petitioners/Accused Nos.2 to 5

Vs

State rep.by,
The Inspector of Police,
Thalaisyuthu Police Station,
in Cr.No.253/2019,
Tirunelveli District.

... Respondent/Complainant

For Petitioners: M/s.C.Susi Kumar,
Advocate.

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.253 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 (Sand Theft), in Crime No.253 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 four units of river sand by using Taras lorry. 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 Government Advocate (Criminal side) appearing for the respondent has submitted that the petitioners have transported four units of river sand without any valid permission. Hence, she opposed this petition. However, she fairly conceded that no similar type of case is pending against the petitioners.

5. Taking into consideration of the fact that no previous case is pending against the petitioners, 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, No.III, Tirunelveli, 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] each petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.253 of 2019 before the Judicial Magistrate, No.III, Tirunelveli, without prejudice to their defence before the trial Court;

(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/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.

sd/-
10/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.11555

ORDER
IN
CRL OP(MD) No.9710 of 2019
Date : 10/07/2019

dss
PK/JC/SAR-1/16.07.2019 : 3P/6C