



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

Date : 15/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.9838 of 2019

N.Karthikeyan

... Petitioner/Accused

Vs

State through
The Inspektor of Police,
Peravurani Police Station,
Thanjavur District.
Crime No. 100 /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. 100 of 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 Section 379, 511
of IPC r/w 21 (4) Mines and Minerals Act, in Crime No. 100 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 as per the FIR, the petitioner
only attempted to take river sand. He further submitted that the
petitioner is not having any bad antecedents and hence, he prayed
for grant of anticipatory bail to the petitioner.

4.Per Contra, the learned Additional Public Prosecutor
appearing for the respondent has submitted that the petitioner has



attempted to take river sand without any valid permission. However, he fairly conceded that no similar type of case is pending against the petitioner.

5. Taking into consideration of the fact that the petitioner has only attempted to take river sand 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 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, Pattukottai, Thanjavur District, 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 fail 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 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].

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

sd/-
15/07/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE COURT, PATTUKOTTAI THANJAVUR DISTRICT

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THANJORE AT
KUMBAKONAM

3 THE INSPECTOR OF POLICE, PERAVURANI POLICE STATION,
THANJAVUR DISTRICT CRIME NO. 100 /2019

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

+1. CC to M/S.R.VENKATESHWAR Advocate SR.No.11721

ORDER

IN

CRL OP (MD) No.9838 of 2019

Date :15/07/2019

dss

JM-I/VR/SAR-2/23.07.2019/3P-6C