



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9820 of 2019

Balakumar

... Petitioner/Accused No.1

Vs

The State represented by,
The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.
Crime No. 93 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
Advocate.

For Respondent : Ms.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 93 of 2019 on the file of
the Respondent police

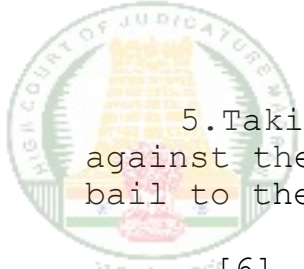
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the
respondent police for the offences punishable under sections 379 of
IPC r/w. Section 21(1) of Mines and Minerals (Development and
Regulation) Act,1957 , seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is innocent and he has been falsely implicated
in the above said case. Hence, he prayed for grant of anticipatory
bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the
respondent has submitted there are totally two accused in this case
and the petitioner here is A1. He would further submit that the
petitioner herein had illegally transported one unit of river sand.
He would further submit that the tractor was recovered and there is
no other case pending against the petitioner.



5. Taking into consideration the fact that no 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 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.III, Thanjavur, 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of Crime No.93 of 2019 before the learned Judicial Magistrate No.III, Thanjavur, Thanjavur District, without prejudice his defence before the trial Court

[c] 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 for the interrogation.

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/07/2019

/ TRUE COPY /

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



TO

1. JUDICIAL MAGISTRATE NO.III, THANJAVUR

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No.11793

ORDER

IN

CRL OP(MD) No.9820 of 2019

Date :12/07/2019

AAV

PK/JC/SAR-1/22.07.2019 : 3P/6C