



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/07/2019

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.10013 of 2019**

K.Senthil Kumar,

... Petitioner/1st Accused

Vs

The State rep.by  
The Inspector of Police,  
Madagupatti Police Station,  
Sivagangai District.  
In Crime No.90 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Athimoolapandian,  
Advocate.

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

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

PRAYER :-

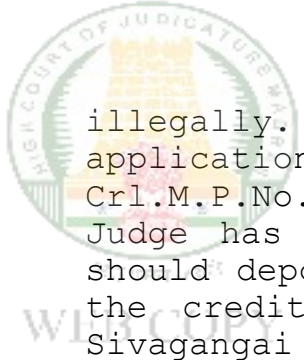
for Anticipatory Bail in Crime No.90/2019 on the file of the  
Respondent Police.

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 of  
IPC r/w Section 21(4) Mines and Minerals (Development and  
Regulation) Act, 1957, in Crime No.90 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 even as per the FIR, the  
petitioner and other accused have transported four units of sand



illegally. He further submitted that already A2 has moved a bail application before the District Court, Sivagangai District in CrI.M.P.No.1605 of 2019 dated 16.07.2019 and the learned Sessions Judge has granted bail to the accused No.2 on condition that he should deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) to the credit of crime No.90 of 2019 before the District Court, Sivagangai District. The petitioner is not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner and other accused have transported four units of sand by using Tipper lorry 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 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 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.1, Sivagangai, 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] Taking into consideration the aforesaid submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.90 of 2019 before the learned Judicial Magistrate No.1, Sivagangai, without prejudice his defence before the trial Court;

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

(iii) 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.

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

(v) the petitioner 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 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].

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

sd/-  
16/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,  
SIVAGANGAI DISTRICT.

2 DO THRO' THE CHIEF JUDICAIL MAGISTRATE,  
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
MADAGUPATTI POLICE STATION,  
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate ( SR-11780[I] dated  
16/07/2019 )

ORDER  
IN  
CRL OP(MD) No.10013 of 2019  
Date :16/07/2019

vsg  
AE/VR/SAR-III (22.07.2019) 3P 6C