



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

Date : 18/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM  
CRL OP(MD). No.10110 of 2019

WEB COPY

Dharmaraj,

... Petitioner/Sole Accused

Vs

State Rep.by  
The Inspector of Police,  
(\*)Kattuputhur Police Station,  
Kattuputhur,Trichy District.  
(Crime.No.118 of 2019)

... Respondent/Complainant

(\*)Amended as per the order of this Honourable Court made in  
CRL OP(MD). No.10110 of 2019 dated 18.07.2019.

For Petitioner : M/s.K.Arun Raj,  
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 cr.no.118 of 2019 on the file of the  
respondent police.

ORDER : The Court Made the following order :-

Memo filed by the petitioner and the same is recorded. The  
Registry is directed to carry out the necessary amendment.

2.The petitioner, who apprehends arrest at the hands of the  
respondent police for the offences punishable under Section 379 of  
IPC r/w 21 (1) Mines and Minerals (Development and Regulation) Act,  
1957, in Crime No. 118 of 2019, seeks anticipatory bail.

3. Heard both sides.

4.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 FIR, that the petitioner  
herein has illegally transported river sand by using bullock cart.  
He further submitted that the petitioner is not having any bad  
antecedents and hence, he prayed anticipatory bail to the  
petitioner.



5. The learned Additional Public Prosecutor appearing for the respondent police has submitted that each of the petitioners have illegally transported quarter unit of river sand by using bullock cart. Hence, he opposed this petition. However he fairly conceded that no previous case is pending against the petitioners.

6. 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.

7. 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, Musiri, 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] before executing a bond the petitioner shall deposit a sum of Rs.3,500/- (Rupees Three Thousand and Five Hundred only) to the credit of Crime No.118 of 2019 before the learned Judicial Magistrate, Musiri without prejudice to 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 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/-  
18/07/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,  
MUSIRI

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,  
KATTUPUTHUR POLICE STATION, KATTUPUTHUR,  
TRICHY DISTRICT

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

+1. CC to M/S.K.ARUN RAJ Advocate SR.No.11955

ORDER  
IN  
CRL OP(MD) No.10110 of 2019  
Date :18/07/2019

KM/VR/SAR-I (26.07.2019) 3C 6C