



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10118 of 2019

1. R.Raja
2. J.Murugaraj
3. Shanmugam

... Petitioners/Accused No.1 to 3

Vs

State rep.by,
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime.No.248 of 2019.

... Respondent/Complainant

For Petitioners : M/s.S.Gopalamanikandan,
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.248 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 r/w 21 (1) Mines and Minerals Act, in Crime No.248 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that he is withdrawing the petition in respect of the petitioners 1 and 2 /A1 and A2. He further 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 FIR, that the petitioners herein have illegally transported river sand by using bullock cart. He further submitted that the



petitioners are not having any bad antecedents and hence, he prayed for grant of anticipatory bail.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have transported half unit river sand without any valid permission. However, he fairly conceded that no similar type of case is pending against the third petitioner and the petitioners 1 and 2/ A1 and A2 are having previous case of similar in nature.

5.Taking into consideration of the fact that no previous case is pending against the third petitioner, this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions.

6. Accordingly, the third 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 Court, Papanasam, Thanjavur District, on condition that the third 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:

7.As regards the first and second petitioner /A1 and A2, this Criminal Original Petition is dismissed as withdrawn.

[i] the third petitioner shall deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the credit of Crime No.248 of 2019 before the learned Judicial Magistrate Court, Papanasam, Thanjavur without prejudice to his defence before the trial Court;

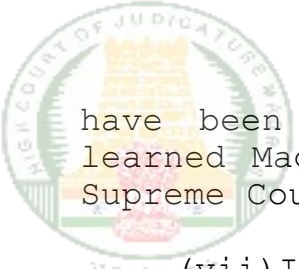
(ii) If the third petitioner/A3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the third petitioner/A3 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 third petitioner/A3 shall not tamper with evidence or witness either during investigation or trial.

(v) the third petitioner/A3 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 /

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

TO

1. THE JUDICIAL MAGISTRATE, PAPANASAM,
THANJAVUR DISTRICT

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

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

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

+1. CC to M/S.S.GOPALAMANIKANDAN Advocate SR.No.12078

ORDER
IN
CRL OP(MD) No.10118 of 2019
Date :18/07/2019

DAS
PK/JC/SAR-4/29.07.2019 : 3P/6C