

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

Date : 24/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10207 of 2019

G.Kabilan

... Petitioner/Accused 3

Vs

The State Rep.by,
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No.115 of 2019.

... Respondent/Complainant

For Petitioner : M/s.S.P.Veerapandi,
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.115 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 of
IPC r/w Section 21(iv) of Tamil Nadu Mines and Minerals Act, in
Crime No.115 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioner illegally
transported 1 ½ units of sand.

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 even as per the FIR, the
petitioner and other accused person have transported 1 ½ units of
sand illegally. The petitioner is not having any bad antecedent and
hence, he prayed for grant of anticipatory bail to the petitioner.

5.Per contra, the learned Additional Public Prosecutor appearing for the respondent Police has submitted that the petitioner and other accused person have transported 1 ½ units of sand by using vehicle without any valid permission. However, he fairly conceded that no similar type of case is pending against the petitioner.

6.Already this Court while granting anticipatory bail to A1 in CrI.O.P.(MD).No.5694 of 2019 has directed to pay total value of the said sand (I.e) Rs.22,500/-(Rupees Twenty Two Thousand and Five Hundred only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the Concerned District and in pursuance of the said order, A1 has paid the said amount on 25.04.2019 and to that effect he has produced a copy of the acknowledgment.

7.Considering the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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, Papanasam, 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 fails 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 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].

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

sd/-
24/07/2019

/ 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.P.VEERAPANDI Advocate SR.No.12227

ORDER
IN

CRL OP(MD) No.10207 of 2019
Date :24/07/2019

VSG

PK/VR/SAR-4/29.07.2019 : 3P/6C

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