

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.10443 of 2019

Rajamohan, ... Petitioner/Sole Accused

Vs

The Inspector of Police,
Budhalur Police Station, Budhalur Taluk,
Thanjavur District.
(In Crime No.118 of 2019) ... Respondent/Complainant

For Petitioner : M/s.P.Ganapathi Subramanian,
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 number 118/2019 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 21 (1) Mines and Minerals (Development and Regulation) Act,
1957, in Crime No.189 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 as per the FIR, that the
petitioner herein has illegally transported one unit of river sand
by using Tractor. He further submitted that the petitioner is not
having any bad antecedents and hence, he prayed for grant of
anticipatory bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor
appearing for the respondent has submitted that the petitioner has
transported one unit of river sand 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned The Judicial Magistrate, Thiruvaiyaru, 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] the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.118 of 2019 before the learned Judicial Magistrate, Thiruvaiyaru, without prejudice to their defence before the trial Court.

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

[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/-
24/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU

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

3 THE INSPECTOR OF POLICE,
BUDHALUR POLICE STATION, BUDHALUR TALUK,
THANJAVUR DISTRICT.

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

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.12289

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

ORDER
IN
CRL OP(MD) No.10443 of 2019
Date :24/07/2019

सत्यमेव जयते

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