



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

Date : 25/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10468 of 2019

O.Mahalingam

... Petitioner/Accused
(Rank not Known)

Vs

State rep.by,
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.

... Respondent/Complainant

For Petitioner : M/s.R.Vinoth Kumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in Crime number 106/2019 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. 106 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 along with other accused person have illegally
transported half unit of river sand by using Swaraj Mazda 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 along
with other accused person have transported half 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Srivilliputhur, 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] the petitioner shall deposit a sum of Rs.3,750/- (Rupees Three Thousand Seven Hundred and Fifty only) to the credit of Crime No.106 of 2019 before the learned Judicial Magistrate, No.I, Srivilliputhur, without prejudice to his defence before the trial Court;

(ii) If the petitioner fail 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/-
25/07/2019

/ TRUE COPY /



1. THE JUDICIAL MAGISTRATE NO.1,
SRIVILLIPUTHUR

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3. THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.R.VINOTH KUMAR Advocate SR.No.12312

ORDER

IN

CRL OP(MD) No.10468 of 2019

Date :25/07/2019

dss

PK/PN/SAR-4/06.08.2019 : 3P/6C