



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10300 of 2019

1. S.Jayakumar
2. M.Mahendran

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Sivagiri Police Station,
Sivagiri Taluk,
Tirunelveli District.
(Crime No.303 of 2019)

... Respondent/Complainant

For Petitioners : M/s.C.Susi Kumar, Advocate.
For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.303 of 2019 on the file of the respondent police

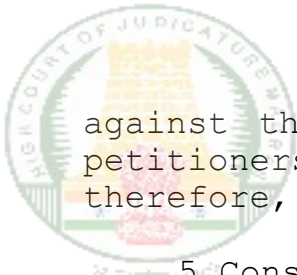
ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 (sand theft) of IPC, in Crime No.303 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. He further submitted that no previous case pending against the petitioners. Therefore, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) appearing for the respondent fairly conceded that no previous case is pending



against the petitioners herein. She further submitted that the petitioners have illegally transported three units of river sand and therefore, she strongly opposed this petition.

5. Considering the submission made by the learned Government Advocate (criminal side) and no previous case is pending against the petitioners herein, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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, Sivagiri, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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] Each of the petitioners shall deposit a sum of Rs.22,500/- (Rupees Twenty Two Thousand and Five Hundred only) (Totally a sum of Rs.45,000/- (2 X Rs.22,500/-) to the credit of Crime No.303 of 2019 before the learned learned Judicial Magistrate, Sivagiri, Tirunelveli District without prejudice to his defence before the trial Court;

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

(iii) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

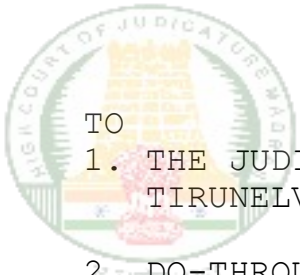
(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-

23/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, SIVAGIRI,
TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
SIVAGIRI TALUK, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.12284

ORDER

IN

CRL OP(MD) No.10300 of 2019

Date :23/07/2019

MS/VR/SAR-3/01.08.2019/3P.6C