

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.10393 of 2019

Ajith, Vs ... Petitioner/Accused -1

State represented by  
The Inspector of Police,  
Manamadurai Police Station,  
Sivagangai District,  
(In Crime No.268 of 2019)

... Respondent/Complainant

For Petitioner : M/s.R.Karunanidhi,  
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 no.268 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 21 (1) Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.268 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 A2 have illegally transported one and a half

units of river sand by using Bolero Pickup Vehicle. He further submitted that the petitioner is not having any bad antecedents and A2 was already arrested and remanded to judicial custody, 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 A2 has transported one and a half units of river sand without any valid permission. He further submitted that A2 was already arrested and remanded to judicial custody. 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 and also the fact that A1 was already arrested and remanded to judicial custody, 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, Manamadurai, 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.11,250/- (Rupees Eleven Thousand Two Hundred and Fifty only) to the credit of Crime No.268 of 2019 before the learned Judicial Magistrate, Manamadurai, 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  
MANAMADURAI
  - 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.
  - 3 THE INSPECTOR OF POLICE  
MANAMADURAI POLICE STATION,  
SIVAGANGAI DISTRICT, CRIME NO.268/2019
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.KARUNANIDHI Advocate SR.No.12195

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ORDER  
IN  
CRL OP(MD) No.10393 of 2019  
Date :24/07/2019

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