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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10660 of 2019

1.Balu @ Balasubramanian

2.Prakash

... Petitioners/Accused 1 & 2

Vs

State:

rep. by Inspector of Police,
Pattukkottai Taluk Police Station,
Thanjavur District.

(Crime No.142 of 2019).

... Respondent/Complainant

For Petitioner : M/s.B.Anandan,
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. 142 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 379 of IPC in Crime No.142 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that even as per the FIR, the petitioners have transported three units of sand illegally. The petitioners are not having any bad antecedent and hence, he prayed for grant of anticipatory bail to the petitioners.



4. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent has submitted that the petitioners have transported three units of sand by using vehicle without any valid permission. However, she fairly conceded that no similar type of case is pending against the petitioners.

5. Taking into consideration of the fact that no previous case is pending against the petitioners, 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, Pattukkottai, 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) to the credit of Crime No.142 of 2019 before the learned Judicial Magistrate, Pattukkottai, without prejudice 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.

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Sd/-
29/07/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI
- 2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PATTUKKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-12460[I] dated 29/07/2019)

ORDER
IN
CRL OP(MD) No.10660 of 2019
Date :29/07/2019

vsg
ES/PN/SAR 4/01.08.2019/5P/6C