



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10676 of 2019

1. Selvaraj
2. Niveshkumar

... Petitioners/Accused Nos.2 & 4

Vs

State rep. by
The Inspector of Police,
Vangal Police Station,
Karur District
(Cr.No.168/2019).

... Respondent/Complainant

For Petitioners : M/s.S.Gokul Raj,
Advocate.

For Respondent : Mr.V. Neelakanandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Cr.No.168/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners/accused nos.2 and 4, who apprehends arrest at the hands of the respondent police for the offence punishable under sections 379 IPC and 21 (1) (A) (B) of Mines and Minerals (Development and Regulation) Act 1957, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have been

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falsely implicated in the above said case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners herein are arrayed as A2 and A4 and there are totally four accused in this Case. He would further submit that the petitioners herein along with others had illegally transported three units of river sand and hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioners.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Karur on condition that the petitioners 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] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing bail bond the petitioners shall deposit a sum of Rs.22,500/- (Rupees Twenty two thousand and five hundred only) to the credit of Crime No.168 of 2019 before the learned Judicial Magistrate No.II, Karur, without prejudice his defence before the trial Court;

[c] 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 for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, KARUR
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
VANGAL POLICE STATION, KARUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC to M/S.S/GOKUL RAJ Advocate SR.No.12621

ORDER
IN
CRL OP(MD) No.10676 of 2019
Date :31/07/2019

AAV
JMN/PN/SAR-1/07.08.2019/3P-6C