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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10745 of 2019

Sathish

... Petitioner/Accused
(Rank Unknown)

Vs

State rep. by
The Sub Inspector of Police,
Nadukaveri Police Station,
Thanjavur District
Crime No. 36/2019.

... Respondent/Complainant

For Petitioner : M/s.C.Hitesh Kumar,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 36 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 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 r/w Section 379 IPC seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above said case. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner herein is arrayed as A1 and there are totally two accused in this Case. He would further submit that the petitioner herein along with other accused had illegally transported one unit of river sand and hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

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 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru 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] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing bail bond the petitioner shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Crime No.137 of 2019 before the learned Judicial Magistrate, Thiruvaiyaru, without prejudice his defence before the trial Court;

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THANJORE DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE
NADUKAVERI POLICE STATION, THANJAVUR DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.HITESH KUMAR Advocate SR.No.12654

ORDER
IN
CRL OP(MD) No.10745 of 2019
Date :30/07/2019

GNS
JMN/PN/SAR-3/06.08.2019/3P-6C