



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

WEB COPY

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP(MD). No.10894 of 2019

1. Mahendran,
2. Pushpavanam,
3. Rajasekar,

... Petitioners/Accused 1 to 3

Vs

State represented by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
in Crime No. 97 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. 97 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 379 of
IPC and Section 21(1) Mines and Minerals (Development & Regulation)
Act, 1957, in Crime No.97 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that as per FIR, the petitioners herein have illegally
transported sand in a TATA-ACE vehicle bearing Registration No.TN-
58-AD-0435. He further submitted that the said vehicle already in



the custody of the respondent police. He further submitted that since there was a wordy quarrel between the petitioners and the Sub Inspector of police with regard to vehicle check up, the respondent has obtained a false complaint from the VAO as if the petitioners herein have transported sand in the aforesaid vehicle. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and therefore, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police has submitted that the vehicle bearing registration No.TN-58-AD-0435 originally belongs to one Muthukrishnan and the first petitioner has taken the said vehicle from the said Muthukrishnan on lease and the petitioners have used the said vehicle for transporting the sand illegally. He further submitted that the said Muthukrishnan gave a letter to the respondent police stating that he has leased out the said vehicle to the first petitioner on 05.01.2019 and he has also produced the said letter for perusal of this Court.

5.In the said letter one Muthurkrishnan has stated that he is the owner of the vehicle bearing registration No.TN-58-AD-0435 and he has leased out the said vehicle to the first petitioner herein on 05.01.2019, but the respondent has not produced any material to show that the first petitioner has executed any lease agreement in favour of the said Muthukrishnan.

6.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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

(ii) 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.



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

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

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/08/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT

2 DO THROUGH:
CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KARUNANIDHI Advocate SR.No.13118

ORDER
IN
CRL OP(MD) No.10894 of 2019
Date :08/08/2019

KM/PN/SAR-IV (19.08.2019) 3P 6C