



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10939 of 2019

K.Ramesh Babu @ K.S.R.Ramesh ... Petitioner/Accused No.2

Vs

State Rep.by
The Sub Inspector of Police,
Aranthangi Police Station,
Pudukkottai,
Pudukkottai District
(in Crime No. 87 of 2019). ... Respondent/Complainant

For Petitioner : M/s.G.Mathavan,
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. 87 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 offence punishable under Section 379 IPC and Sections 21(1), 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, seek anticipatory bail.

2.Heard both side.

3.The learned counsel appearing for the petitioner has submitted that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He has further submitted that as per the FIR that the petitioner only attempted to take sand.



4. The learned Additional Public Prosecutor appearing for the respondent police has submitted that investigation is pending.

5. Considering the fact that it is only attempt, 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, Aranthangi, Pudukkottai District 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] 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

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

sd/-
08/08/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT

2.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3.THE SUB INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT

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

+1 CC to M/s.G.MATHAVAN, Advocate (SR-13381[I] dated 09/08/2019)

ORDER
IN
CRL OP(MD) No.10939 of 2019
Date :08/08/2019

ES/PN/SAR 4/20.08.2019/3P/6C