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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10919 of 2019

Rajadurai

... Petitioner/Sole Accused

Vs

State through the Inspector of Police,
Ammapettai Police Station,
Thanjavur District
(Crime No. 247 of 2019).

... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
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.247 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 Sections 379 of
IPC and Section 21(4) of Mines and Minerals (Development and
Regulation) Act, 1957 in Crime No.247 of 2019, seeks anticipatory
bail.

2.The learned counsel appearing for the petitioner has
submitted that the petitioner is an innocent person and he has not
committed any offence and he has been falsely implicated in the
above case. He has further submitted that the petitioner is ready to
deposit the cost of the sand. Hence, he prayed for grant of
anticipatory bail to the petitioner.



3. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner is sole accused in this case. The petitioner attempted to commit theft of $\frac{1}{2}$ unit of river sand without any valid permit. On seeing the Police, the petitioner ran away from the scene of occurrence and the vehicle used was seized. Hence, he opposed to grant anticipatory bail to the petitioner. However, he conceded that the petitioner has no previous case.

4. Taking into consideration of the fact that the petitioner has no previous case, the fact that the vehicle used was seized and the petitioner is ready to deposit the cost of the sand, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Papanasam on condition that the petitioner 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) Before executing bail bond, the petitioner shall deposit a sum of Rs.7,500/- (Rupees seven thousand five hundred only) to the credit of Cr.No.247 of 2019 before the learned Judicial Magistrate, Papanasam, without prejudice to his contentions before the trial court.

(ii) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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 before the respondent police for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner 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 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].



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

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sd/-
06/08/2019

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

TO

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

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-13072[I] dated 07/08/2019)

ORDER
IN
CRL OP(MD) No.10919 of 2019
Date :06/08/2019

ES/JC/SAR 2/19.08.2019/4P/6c