BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

PRESENT
The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10967 of 2019

Balamurugan, ... Petitioner/Accused No.1

Vs

State represented by
The Sub Inspector of Police,
Appayanaickenpatti Police Station
Virudhunagar District
in Cr. No. 60 of 2019. ... Respondent/Complainant

For Petitioner : M/s.N.Solaisamy,
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. 60 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.60 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. However, he further submitted that the petitioner is ready to deposit the cost of the sand. Hence, he prayed for grant

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of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that there are totally five accused. He further submitted that the petitioner along with others has transported 1½ units of river sand illegally without any permit. Hence, he opposed to grant anticipatory bail to the petitioner. However, he conceded that the petitioner has no previous case and the vehicle used for committing the offence was recovered.

4.Taking into consideration of the fact that the petitioner has no previous case, also the fact that the vehicle used for committing the offence was recovered 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, No.I, Sattur, 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.4,500/- (Rupees four thousand five hundred only) to the credit of Cr.No.60 of 2019 before the learned Judicial Magistrate, No.I, Sattur, without prejudice to his contentions before the trial court.

(ii)If the petitioner fails 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

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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 229-A IPC.

sd/-
05/08/2019

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

TO

1 THE JUDICIAL MAGISTRATE NO I
SATTUR, VIRDHUNAGAR DISTRICT

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT

3 THE INSPECTOR OF POLICE
APPAYANAICKENPATTI POLICE STATION
VIRUDHUNAGAR DISTRICT

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

ORDER
IN
CRL OP(MD) No.10967 of 2019
Date :05/08/2019

KM/PN/SAR-III (14.08.2019) 3P 5C

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