



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11125 of 2019

1.A.J.Lawrence
2.A.Chelladurai

... Petitioners/Accused
Nos.2 and 3

Vs

The State Rep by
The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
Crime No.178 of 2019

... Respondent/Complainant

For Petitioners : M/s.H.Velavadas, 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.178 of 2019 on the file of
the Respondent Police

ORDER : The Court Made the following order :-

The petitioners/accused no.2 and 3, who apprehends arrest at
the hands of the respondent police for the offences punishable under
Section 379 of IPC and 21 (1) Mines and Minerals (Development and
Regulation) Act, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that the petitioners have not committed any offence as
alleged by the prosecution and they have been falsely implicated in
this case. He further submitted that as per the FIR, the
petitioners herein have illegally transported red soil. He further
submitted that the petitioners are not having any bad antecedents
and hence, he prayed for grant of anticipatory bail to the
petitioners.



4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have transported red soil without any valid permission. However, he fairly conceded that no similar type of case is pending against the petitioners.

5.Taking into consideration of the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[6] Accordingly, the petitioners are 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, Thakkalai 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:

[a] before executing bail bond, the petitioners shall deposit a sum of Rs.1200/- (Rupees One thousand and two hundred only) to the credit of Crime No.178 of 2019 before the learned Judicial Magistrate, Thakkalai, without prejudice to their defence before the trial Court

[b]if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c] 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 for the interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

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

sd/-
07/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
THAKKALAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to Mr.H.VELAVADHAS Advocate SR.No.13113

ORDER

IN

CRL OP(MD) No.11125 of 2019

Date : 07/08/2019

aav

TK/VR/SAR.1/19.08.2019/3P/6C