



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.11163 of 2019

1. Jeyasingh
2. Selvaraj

...Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Nithravilai Police Station,
Kanyakumari District.
Crime No.158 of 2019.

... Respondent/Complainant

For Petitioners: M/s.S.Sivakumar,
Advocate.

For Respondent : M/s.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in crime No. 158 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 offence punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioners illegally transported one unit of alluvial soil and hence, he opposed this



petition. However, he fairly conceded that the petitioners are not having any previous case.

5. Taking into consideration of the fact that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kuzhithurai on condition that the petitioners 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing the bond, each of the petitioners shall deposit a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only) to the credit of Crime No.158 of 2019 before the learned Judicial Magistrate No.II, Kuzhithurai, without prejudice to their contentions.

[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/-
08/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NITHRAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SIVAKUMAR Advocate SR.No.13326

ORDER

IN

CRL OP(MD) No.11163 of 2019

Date :08/08/2019

MS/VR/SAR-3/19.08.2019/3P.6C