



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

Date : 14/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11296 of 2019

1. Karthik
2. Balamurugan

... Petitioners/Accused Nos. 1 & 2

Vs

State rep by
The Inspector of Police,
St Kulam Police Station,
In Cr. No. 103
of 2019 Kanyakumari District.. ... Respondent/Complainant

For Petitioners : M/s. C. Susi Kumar,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 103 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 offences punishable under Section 379 of IPC r/w 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
<https://hcservices.ecourts.gov.in/hcservices/>



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 gravel sand. 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 Government Advocate(Crl.Side) appearing for the respondent has submitted that the petitioners have transported gravel sand 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 petitioners 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 No.III, Nagercoil 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] 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 bail bond the petitioners shall deposit a sum of Rs.7500/- to the credit of crime number 103 of 2019 on the file of the learned Judicial Magistrate No.III, Nagercoil

[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/-

14/08/2019

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/ TRUE COPY /

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

TO

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

+1. CC to M/S. C. SUSI KUMAR Advocate SR.No.13639

ORDER

IN

CRL OP(MD) No.11296 of 2019

Date :14/08/2019

AM/JC/SAR-1/21.08.2019/3P-6C