



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.11392 of 2019

Nithyanandam

... Petitioner/Accused No.2

Vs

The State rep.by

The Inspector of Police,

Vallam Police Station,

Thanjavur District

(Crime No. 173 of 2019). ... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran,
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 :-

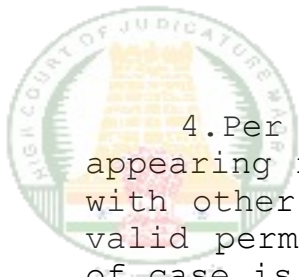
For Anticipatory Bail in Crime No. 173 of 2019 on the file
of the Respondent Police.

ORDER : The Court Made the following order :-

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

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner has not committed any offence as
alleged by the prosecution and he has been falsely implicated in
this case. He further submitted that as per the FIR, the petitioner
herein along with other accused has illegally transported half unit
of river sand by using Tractor. He further submitted that the
petitioner is not having any bad antecedents and hence, he prayed
for grant of anticipatory bail to the petitioner.



4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner along with other accused has transported half unit river sand without any valid permission. However, he fairly conceded that no similar type of case is pending against the petitioner.

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

[6] Accordingly, the petitioner is 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. II, Thanjavur on condition that the petitioner 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 bail bond the petitioners shall deposit a sum of Rs.3750/- to the credit of crime number 173 of 2019 on the file of the learned Judicial Magistrate No. II, Thanjavur.

[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 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR
- 2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MAHESWARAN, Advocate(SR-13604[I] dated 16/08/2019)

ORDER
IN
CRL OP(MD) No.11392 of 2019
Date :14/08/2019

aav
ES/JC/SAR 2/21.08.2019/3P/6C