



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11473 of 2019

Sathish Kumar @ GB Sathish

... Petitioner/3rd Accused

Vs

State Rep.by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
Cr No.340 of 2019.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

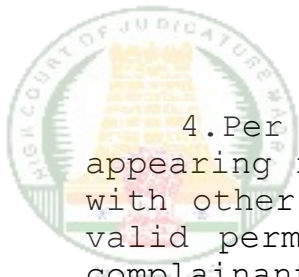
For anticipatory Bail in Crime No. 340 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/accused no.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 307, 379 of IPC and Section 21 (1) and 21(2) of 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 two units of river. 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 two units river sand without any valid permission and when the same was questioned by the defacto complainant the driver of the lorry drew the lorry with high speed and since the defacto complainant moved away, he escaped. 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 and also the fact that no one sustained injuries and also the fact that A1 in this case was arrested and released on bail, 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, Aranthangi 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 petitioner shall deposit a sum of Rs.20,000/- to the credit of crime number 340 of 2019 on the file of the learned Judicial Magistrate, Aranthangi

[c]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 for the interrogation.

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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].



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

sd/-

19/08/2019

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

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.13652

ORDER

IN

CRL OP(MD) No.11473 of 2019

Date :19/08/2019

MS/VR/SAR-4/21.08.2019/3P.6C