



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

Date : 22/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No. 11639 of 2019

WEB COPY

1. Kannan
2. Arunpandian

... Petitioners/Accused Nos. 1 & 3

Vs

The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District,
(Crime No. 699 of 2019).

... Respondent/Complainant

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

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

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

PRAYER :-

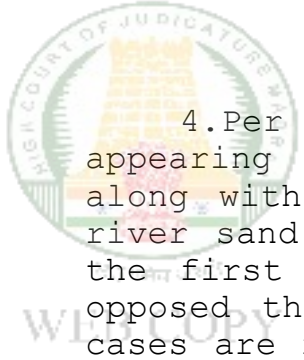
For Anticipatory Bail in Crime No. 699 of 2019 on the file of the Respondent Police.

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 and Section 21 (1) Mines and Minerals (Development and Regulation) Act, in Crime No. 699 of 2019, 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 along with one other person have illegally transported one unit of river sand by using Vehicle. He further submitted that the petitioners are not having any bad antecedents and A2 was already arrested and remanded to judicial custody and hence, he prayed to grant anticipatory bail to the petitioners.



4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners along with one other accused person have transported one unit of river sand without any valid permission. He further submitted that the first petitioner is having 20 previous cases, and hence, he opposed this petition. However, he fairly conceded that the said cases are not similar in nature. He further submitted that some of the cases registered under Section 107, 109 & 110 Cr.P.C and some of the cases registered under Section TNPC Act. He further submitted that A2 was already arrested and remanded to judicial custody.

5. Taking into consideration of the fact that the quantity of the sand involves in this case and also the fact though the first petitioner is having 20 previous cases, those are not similar in nature and also the fact that A2 was already arrested and remanded to judicial custody, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakkanur, Theni District, 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:

[i] before executing bail bond, each petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.699 of 2019 before the learned Judicial Magistrate, Bodinayakkanur, Theni District, without prejudice to their defence before the trial Court;

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners shall report before respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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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,
BODINAYAKKANUR, THENI DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/s.S.BALAJI, Advocate (SR-13950[I] dated 22/08/2019)

ORDER
IN
CRL OP(MD) No.11639 of 2019
Date :22/08/2019

dss
ES/JC/SAR2/29.08.2019/3P/6C