

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

Date : 28/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.11937 of 2019

1. R.Vellaisamy
2. M.Selvam

... Petitioners/Accused No.1 & 2

Vs

State rep.by,
The Inspector of Police,
Elumalai Police Station,
Madurai District.
Crime No.222/2019.

... Respondent/Complainant

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

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.222 of 2019 on the file of
the respondent.

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 Section 21(5) of Mines and Minerals (Development &
Regulation) Act, 1957, in Crime No.222 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 even as per the FIR, the

<https://hcservices.ecourts.gov.in/hcservices/>

petitioners have transported two units of gravel sand illegally. The petitioners are not having any bad antecedent 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 police has submitted that the petitioners have transported two units of gravel sand by using vehicle 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 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, Usilampatti, 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:

[i]Before executing the bail bond each of the petitioners shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime No.222 of 2019 before the learned Judicial Magistrate, Usilampatti, without prejudice his 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 the 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.

sd/-
28/08/2019

/ TRUE COPY /

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

TO

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

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.14350

ORDER
IN

CRL OP (MD) No.11937 of 2019
Date :28/08/2019

VSG

PK/JC/SAR-3/05.09.2019 : 3P/6C

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