

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.12019 of 2019

1. Maheshwaran @ Eswaran,

2. Prabhu @ Palprabhu, ... Petitioners/Accused No.1 & 2  
Vs

State through

The Inspector of Police,  
Krishnankovil Police Station,

Virudhunagar District.

in Crime No. 144 of 2019. ... Respondent/Complainant

For Petitioner : M/s. R. Rajamohan,  
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. 144 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 Section 21(1) of Mines and Minerals (Development and  
Regulations) Act, 1957, in Crime No.144 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  
petitioners have transported half unit of 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 half unit of sand by using vehicle without any valid permission. However, she 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 Judicial Magistrate Court No.II, Srivilliputhur, 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]each of the petitioners shall deposit a sum of Rs.3,750/- (Rupees Three Thousand Seven Hundred and Fifty only) to the credit of Crime No.144 of 2019 before the Judicial Magistrate Court No.II, Srivilliputhur, 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.

Vsg

TO

1. THE JUDICIAL MAGISTRATE NO.II,  
SRIVILLIPUTHUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3.THE INSPECTOR OF POLICE,  
KRISHNANKOVIL POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO MR.R.RAJAMOHAN, Advocate Sr. No.14360

ORDER  
IN

CRL OP(MD) No.12019 of 2019

TR/PN/SAR-I (03.09.2019) 3P 6C

WEB COPY