



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12062 of 2019

1. Manickam
2. Suresh ... Petitioners/Accused (Rank not known)
Vs

The State rep.by
The Sub Inspector of Police,
Aranthangi Police Station,
Pudukottai District
(Crime No. 369 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. 369 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 Sections 379 of IPC r/w. Sections 21(1) and 21(2) of Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No. 369 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 the offence. The learned counsel for the respondents further submitted that as per the FIR, the



petitioners herein have illegally transported 1 ½ units of river sand. He further submitted that the petitioners are not having any bad antecedents and hence, he prayed for grant of anticipatory bail to the petitioners.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have transported 1 ½ units of river sand without any valid permission. However, he fairly conceded that no previous case is pending against the petitioners herein.

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, Aranthangi, on condition that each of 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.11250/- (Rupees Eleven Thousand Two Hundred and Fifty only) (Totally Rs.22500/- (Rupees Twenty Two Thousand and Five Hundred only) to the credit of Crime No.369 of 2019 before the learned Judicial Magistrate, Aranthangi, 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 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/-
30/08/2019

WEB COPY

/ TRUE COPY /

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,
PUDUKOTTAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ARANTHANGI POLICE STATION, PUDUKOTTAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.14563

ORDER
IN
CRL OP(MD) No.12062 of 2019
Date :30/08/2019

LS
ES/PN/SAR 2/10.09.2019/3P/6C