

In the Court of the Principal District Judge, Madurai.

Present :Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Monday, this the 4th day of May 2020.

Crl.M.P.No.2166/2020

1. Maharajan, S/o.Kandan
 2. M.Karthick, S/o.Maharajan
 3. M.Mariselvam, S/o.Maharajan
- ... Petitioners/Accused.

Vs

State through the Inspector of Police,

Koodakovil P.S. Cr.No.203/2020

.. Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.V.Kishore Kumar, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

- 1.Anticipatory Bail application u/s. 438 of Cr.p.c.
2. The offences alleged are U/s. 379 of IPC r/w. 21(v) of MMDR Act.
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that the respondent police has registered a case against accused in Cr.No.203/2020 U/Sec. 379 of IPC r/w. 21(v) of MMDR Act, petitioners have no previous case. The learned public prosecutor would submit that totally 4 accused in this case, on 18.4.2020 the accused stolen sand in a tractor from the river bank There is no serious objection on the side of public prosecutor. Considering the fact that the petitioners have no previous case, this court is inclined to grant anticipatory bail to the Petitioners on condition.

5. In the result, in the event of arrest or on their surrender before the Court concerned, the Petitioners are ordered to be enlarged on anticipatory bail on their executing own bond for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 8 weeks, the petitioners should surrender before the Judicial Magistrate concerned and execute a fresh bond each for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioners shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioners shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560***. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 4th day of May 2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Koodakovil P.S.
3. The Petitioners through their counsel.