



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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.1240 of 2015

ANANDAN

... PETITIONER/ACCUSED -2

Vs

STATE REP BY

THE INSPECTOR OF POLICE

GUDALUR NORTH POLICE STATION, THENI DISTRICT

CRIME NO.261/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.K.MANICKAM Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN

Govt. Advocate (Crl. Side)

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

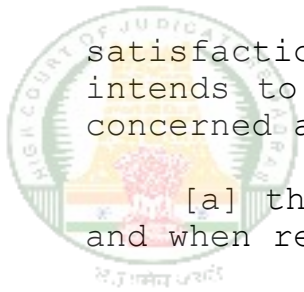
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 21(A) of the Mines and Minerals Development and Regulations Act, 1957, 36(A) of the Mines and Minerals Concession Rules, 1957 r/w Section 379 of the Indian Penal Code, in Crime No.261 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. It is alleged that when the *de facto* complainant was on patrolling duty, he found a tractor with trailer driven by the petitioner, containing half unit of sand.

3. Learned Government Advocate (Crl.Side) submits that there is no previous case as against this petitioner.

4. Considering the fact that the petitioner has no antecedent, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, on condition that the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

sd/-
27/01/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE
UTHAMAPALYAM

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

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

4. THE INSPECTOR OF POLICE
GUDALUR NORTH POLICE STATION, THENI DISTRICT

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.3474

RL/6 C - 28/1/2015