



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

Friday, the Sixth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2114 of 2015

KARUPPAIAH @ KOTHANAR KARUPPAIAH

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
CUMBUM SOUTH POLICE STATION, CUMBUM,
THENI DT, CRIME NO.13/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D. ANBARASU Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

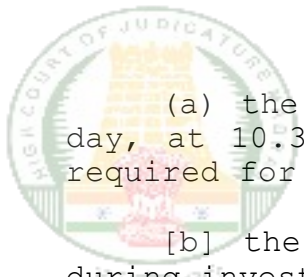
Apprehending arrest at the hands of the respondent police in Crime No.13 of 2015, on the file of the respondent police for offences under Sections 21(A) of the Mines and Minerals Act, and Section 379 IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2. It is the case of the prosecution that the petitioner without any valid licence, transported $\frac{3}{4}$ unit of sand.

3. There is no representation on behalf of the petitioner.

4. It is represented by the learned Government Advocate (Crl. Side) that there is no previous case as against the petitioner. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioner, but with conditions.

5. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthammapalayam, Theni District, on executing a separate 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, every day, at 10.30 a.m. for a period of two weeks and thereafter 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].

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-
06/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
- 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
CUMBUM SOUTH POLICE STATION, CUMBUM, THENI DISTRICT.

+1. CC to M/S.D. ANBARASU Advocate SR.No. 5781.

TS/10.02.2015/2P-6C

ORDER
IN
CRL OP(MD) No.2114 of 2015
Date :06/02/2015