



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

Wednesday, the Eleventh day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2373 of 2015

WEB COPY

PANDIAN

... PETITIONER/ACCUSED NO.2

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SANJAIGANDHI Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
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 in Cr.No.13 of 2015 for the alleged offences punishable under Sections 21(A) of M.M.Act and Section 379 of IPC on the file of the respondent police, seeks anticipatory bail.

2.The Investigating Officer is present in Court.

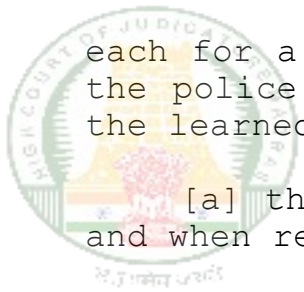
3.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

4.The case of the prosecution is that on 11.01.2015, when the Police Officials went to normal rounds, they found the petitioner taking one unit of sand illegally from the village pond.

5.The learned Government Advocate (Crl.Side) submits that investigation is going on and there is no previous case against the petitioner.

6.Considering the facts and circumstances of the case, this Court is inclined to grant Anticipatory Bail to the petitioner.

7. 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, Theni District, 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 Judicial 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 Judicial 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/-
11/02/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE THENI DISTRICT

3 THE INSPECTOR OF POLICE CUMBUM SOUTH POLICE STATION,
CUMBUM, THENI DISTRICT.

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

+1. CC to M/S.K.SANJAIGANDHI Advocate SR.No.6732

ORDER

IN

CRL OP(MD) No.2373 of 2015

Date :11/02/2015

NA/13/02/2015/P2/6C