



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

Tuesday, the Fifteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.23825 of 2015

KARUPPAIAH

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

CUMBUM SOUTH POLICE STATION,

THENI DISTRICT.

IN CRIME NO. 457 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S P.MAHENDRAN Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

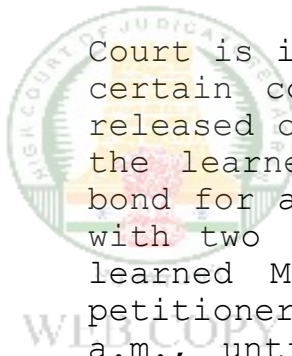
The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 21(A) of Mines and Minerals (D & R) Act, 1957 r/w 379 of IPC, in Crime No.457 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 09.12.2015, the defacto complainant noticed that some persons transporting the sand un-authorizedly, and seized the tractor along with trailer bearing registration No.TN 63 3130 with 1 unit of sand worth Rs.3,000/-. The persons were ran away from the scene of occurrence. The driver of the tractor namely Deivendran (A2) was arrested and gave a statement that the tractor belongs to the petitioner and on his complaint, the case has been registered for the above said offences.

3. The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner is not the owner of the tractor and due to the motive, the petitioner has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) submitted that A2 was already arrested and released on bail by the lower Court and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that A2 was arrested and released on bail, this



Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Uthamapalayam and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
15/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
CUMBUM SOUTH POLICE STATION, THENI DISTRICT.

+1. CC to M/S P.MAHENDRAN Advocate SR.No.71739

ORDER
IN
CRL OP(MD) No.23825 of 2015
Date :15/12/2015

RG.SK-SKN/SAR-I 17.12.2015 2P:6C