



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

Wednesday, the Eighteenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2935 of 2015

1 MARI

2 CHELLADURAI

... PETITIONER(S) / ACCUSED 1 & 3

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
MORAPPANADU POLICE STATION,
TUTICORIN DISTRICT. (CR.NO.44/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/SM.S.JEYAKATHIK Advocate

For Respondent : Mr.A.P.Balasubramani Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC and Section 21 of Mines and Minerals Act, 1957, in Crime No.44 of 2015 on the file of the respondent police, seek anticipatory bail.

2. It is alleged that when the *de facto* complainant was on patrolling duty, he found that the petitioners transported half unit of sand, without having valid permit.

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

4. Considering the fact that the petitioners have no bad antecedent, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, on condition that the petitioners shall execute 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 petitioners shall report before the respondent police twice a day daily at 10.30 a.m., in the morning and 06.30 p.m., in the evening for a period of two weeks and thereafter, as and when required for interrogation.



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

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

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[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioners are complying with the order or not.

sd/-
18/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAICKUNDAM.
- 2 Do Through THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
MORAPPANADU POLICE STATION, TUTICORIN DISTRICT.

+1. CC to M/SM.S.JEYAKATHIK Advocate SR.No.8043.

TS/23.02.2015/2P-6C

ORDER
IN
CRL OP(MD) No.2935 of 2015
Date :18/02/2015