



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

Tuesday, the Twenty Fourth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3297 of 2015

WEB COPY

PARAMASIVAM

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
PERIYAKULM TALUK, THENI DISTRICT.
CRIME NO.40/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.SHANKAR GANESH 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 :-

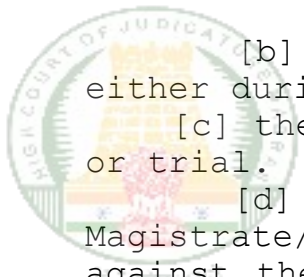
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Section 21 of Mines and Minerals Act in Crime No.40 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 1/2 unit of sand without any valid licence.

3. It is represented by the learned Government Advocate(Crl. Side) that there is no previous case against the petitioner.

4. Considering the facts and circumstances of the case, 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, Periyakulam, 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 daily at 6.30 p.m., 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), whether these petitioner is complying with the order or not.

sd/-

24/02/2015

/ TRUE COPY /

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

TO

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

+1. CC to M/S.R.SHANKAR GANESH Advocate SR.No.8379

ORDER

IN

CRL OP(MD) No.3297 of 2015

Date :24/02/2015

NA/25/02/2015/P2/6C