



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

Thursday, the Twenty Sixth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3458 of 2015

CHALNA @ ESWARAN

... PETITIONER/ACCUSED No.2

Vs

STATE REP BY THE INSPECTOR OF POLICE

KANAVILAKKU POLICE STATION, THENII DIST,

CR.NO.26/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.J.ASSOCIATES 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 offences punishable under Section 379 of IPC and Sections 4 and 21(A) of Mines and Minerals Act, in Crime No.26 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. It is alleged that when the Sub-Inspector of Police made an inspection near Vaigai River at Kanavilakku, he found that the petitioner transported half unit of sand, without having valid permit.

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

4. Considering the fact that the petitioner has no bad antecedents, 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, Andipatti, 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 daily at 05.30 p.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 a compliance report to the Office of the learned Government Advocate (Criminal side), whether the petitioner is complying with the order or not.

sd/-
26/02/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ANDIPATTI, THENI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
- 3 THE INSPECTOR OF POLICE, KANAVILAKKU POLICE STATION, THENII DIST
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.J.ASSOCIATES Advocate SR.No.9711

ORDER
IN
CRL OP(MD) No.3458 of 2015
Date :26/02/2015

AA/03.03.2015/2p- 6c/