



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

Wednesday, the Fourth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.3847 of 2015

1 PATTAI ESWARAN
2 RAVI
3 MUTHUPANDI

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

Vs

THE INSPECTOR OF POLICE
GUDALUR SOUTH POLICE STATION, THENI DT.
CR. NO.27/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.K.MANICKAM Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN Govt. 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 offences punishable under Section 21(A) of Mines and Minerals Act, 1957, 36(A) of Mines and Minerals Concession Rules 1957 and Section 379 I.P.C. in Crime No. 27 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side).

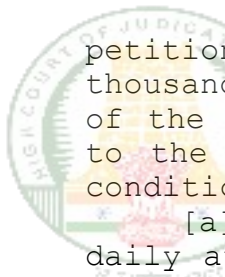
3. Insofar as the first petitioner is concerned, the learned Counsel for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition.

4. Accordingly, this Criminal Original Petition is dismissed as withdrawn so far as the first petitioner is concerned.

5. The learned Government Advocate (Crl.Side) would submit that the petitioners were illegally transported 1/2 unit of sand and there is no previous case as against the petitioners 2 and 3.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3.

7. Accordingly, the petitioners 2 and 3 are ordered to be released on <https://hcservices.courts.gov.in/hcservices> 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, Uthamapalayam on condition that each of 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 petitioners 2 and 3 shall report before the respondent police daily at 06.30p.m. 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.

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 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].

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioners 2 and 3 are complying with the order or not.

sd/-
04/03/2015

/ 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 DISTRICT
- 3 THE INSPECTOR OF POLICE
GUDALUR SOUTH POLICE STATION, THENI DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.10218

Sm:09.03.2015:2P/6C:

ORDER
IN
CRL OP(MD) No.3847 of 2015
Date :04/03/2015