



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

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5001 of 2015

SIVARAJ

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION, KANYAKUMARI DT,
CRIME NO.97/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.CHETTINAD LEGAL SOLUTIONS Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

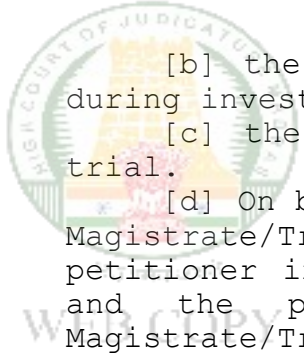
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 353, 307 and 379 IPC and Section 4(i)(A) read with 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and rules 36 (A) of Mines and Minerals Concession Rules, 1959 in Crime No.97 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner was found in possession of sand in his vehicle.

3. The learned Government Advocate (Criminal side) submits that the vehicle and sand has been seized and there is one previous case as against this petitioner.

4. Taking into consideration the facts and circumstances of the case and also the fact that sand has been seized, this Court is inclined to grant Anticipatory Bail to the petitioner herein. 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 No.II, Kulithurai, 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 06:30 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 Judicial 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 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) as to whether the petitioner is complying with the condition or not.

sd/-
18/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.II, KULITHURAI.

2 Do - Through THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.

+1. CC to M/S.CHETTINAD LEGAL SOLUTIONS Advocate SR.No.15086.

TS/19.03.2015/2P-6C

ORDER
IN
CRL OP(MD) No.5001 of 2015
Date :18/03/2015