



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

Thursday, the Twenty Sixth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5662 of 2015

1 K. PANJARAJA
2 NATHI

... PETITIONERS/ACCUSED NOS.1&2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CUMBUM POLICE STATION, THENI DISTRICT
CRIME NO.3/2015 ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.JEEVA Advocate
For Respondent : M/S.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 an alleged offence punishable under Sections 21(A) of Mines and Minerals Act, r/w. 379 of IPC in Crime No.3 of 2015, seeks anticipatory bail.

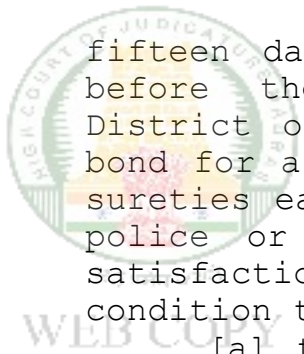
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

3. The case of the prosecution is that on 02.01.2015, these petitioners were transporting ¾ Unit of sand in a Tractor and on seeing the Police, they had abandoned the Tractor and run away.

4. As regards, K. Panjaraja / A1 is concerned there is one previous case against him. The learned counsel for the petitioner seeks permission of this Court to withdraw this petition against the petitioner / A1 and he has also made an endorsement to that effect.

5. Permission is granted. **This petition is dismissed as withdrawn as against the first petitioner / A1.**

6. As regards the second petitioner / A2 is concerned, there is no previous case against him. Under such circumstances, I am inclined to grant anticipatory bail to the second petitioner. Accordingly, the second 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, Uthamapalayam, Theni District on condition that the second 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 second petitioner shall appear before the respondent police twice a day i.e, at 10.30 a.m and 6.30 pm for a period of two weeks and thereafter, as and when required for interrogation.

[b] the second 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 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]**.

sd/-
26/03/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE INSPECTOR OF POLICE
CUMBUM POLICE STATION, THENI DISTRICT
- +1. CC to M/S.P.JEEVA Advocate SR.No.14940
RL/6 C- 30/3/2015

ORDER
IN
CRL OP(MD) No.5662 of 2015
Date :26/03/2015