



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.5686 of 2015

SELVARAJ

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY
THE SUB-INSPECTOR OF POLICE
BODINAYAKANUR RURAL POLICE STATION,
IN CRIME NO.129/2015,
THENI DISTRICT

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.PRASANNA RAJADUAI, Advocate
for M/S. S.MUTHALRAJ 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 petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 379 of IPC r/w. 36(A) and 21(i) of Mines and Minerals Regulation Act, in Crime No.129 of 2015, seeks anticipatory bail.

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

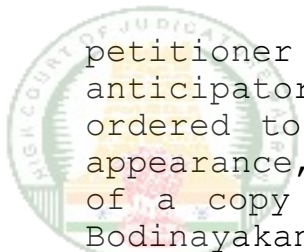
3. The case of the prosecution is that the petitioner was carrying one Unit of sand in a Tractor and on seeing the Police he abandoned the Tractor and ran away. The Driver of the Tractor viz., Duraipandi was arrested by the Police and on his confession, this petitioner being implicated. This petitioner is said to be the owner of the Tractor.

4. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) submits that there is no previous case against the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

6. Considering the facts and circumstances of the case and also considering the fact that there is no previous case against the



petitioner and the Tractor is also seized, 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, Bodinayakanur, 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 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 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

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

TO

- 1.THE JUDICIAL MAGISTRATE, BODINAYAKANUR, 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 SUB-INSPECTOR OF POLICE
BODINAYAKANUR RURAL POLICE STATION, THENI DISTRICT
- +1. CC to M/S.S.MUTHALRAJ Advocate SR.No.15170
RL/6 C- 30/3/2015

ORDER

IN

CRL OP(MD) No.5686 of 2015

Date :26/03/2015