



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

Wednesday, the Twenty First day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.911 of 2015

MANIKANDAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, CUMBUM,
THENI DISTRICT,
CRIME NO.459/2014

... RESPONDENT) / COMPLAINANT

For Petitioner : M/S.M.SURESH 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 the alleged offences punishable under Sections 379 I.P.C. r/w 21 of 4(1) (A) of Tamilnadu Mines and Minerals Act in Crime No.459 of 2014 on the file of the respondent police, seeks anticipatory bail.

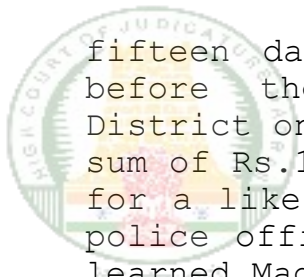
2. The case of the prosecution is that this petitioner was illegally taken one unit of sand from the village pond.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged in the F.I.R.

4. The learned Government Advocate(Crl.Side) would submit that one previous case has been registered against the petitioner.

5. Considering the fact and circumstances of the case and also considering the nature of offence, this Court is inclined to grant Anticipatory Bail to the petitioner.

6. 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, Uthamapalayam, 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 10.30a.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]**.

sd/-

21/01/2015

/ 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 NORTH POLICE STATION, CUMBUM, THENI DISTRICT
- +1. CC to M/S.M.SURESH Advocate SR.No.2970
RL/6 C- 23/1/2015

ORDER

IN

CRL OP(MD) No.911 of 2015

Date :21/01/2015