

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

Monday, the Twelfth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.440 of 2015

KANDASAMY

... PETITIONER/ ACCUSED No.2

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
MARANERI POLICE STATION, VIRUDHUNAGAR DIST,
CR.NO.295/2014 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.J.ASSOCIATES Advocate

For Respondent : Mr.A.P.Balasurbramani 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 Section 379 I.P.C. r/w 21 (1)(v) of Mines and Minerals Act in Crime No.295 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

3. The learned Government Advocate(Crl.Side) would submit that the petitioner is A.2 and A.1 has been arrested. He would further submit that 1/2 unit of sand was lifted by the accused and it was seized and no previous case has been registered as against the petitioner.

4. Considering the facts and circumstances of the case, this Court is inclined to grant Anticipatory Bail to the petitioner.

5. 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, Sivakasi, Virudhunagar 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 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/-
12/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, SIVAKASI.

2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR.

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

4 THE INSPECTOR OF POLICE
MARANERI POLICE STATION, VIRUDHUNAGAR DISTRICT.

TS/20.01.2015/2P-5C

ORDER
IN

CRL OP (MD) No.440 of 2015

Date :12/01/2015

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