



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

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10010 of 2016

SAKTHIMURUGAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
SHANARPATTY POLICE STATION,
DINDIGUL DISTRICT.
[CRIME NO. 193 OF 2016]

... RESPONDENT / COMPLAINANT

For Petitioner : M/S PALANIVELAYUTHAM Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

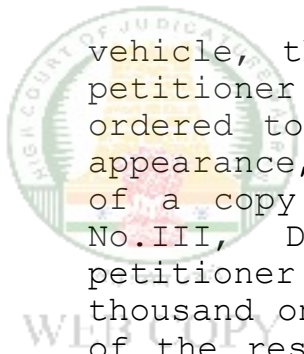
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with Section 21(2) of Mines and Mineral Development and Regulation Act, 1957, in Crime No.193 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that 17.06.2016 at about 5 O' Clock, the petitioner along with other accused loaded sand in a JCB without getting any permission. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is the owner of the vehicle and he has nothing to do with the alleged occurrence.

4.The learned Government Advocate (Criminal side) submitted that A1 was already arrested and remanded to judicial custody.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is only the owner of the



vehicle, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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.III, Dindigul, Dindigul District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned 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 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
23/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL, DINDIGUL DISTRICT.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE INSPECTOR OF POLICE, SHANARPATTY POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S PALANIVELAYUTHAM Advocate SR.No.32437
SMN

JM/AAL-MPA/SAR-III/23.06.2016/2P-6C

ORDER
IN
CRL OP(MD) No.10010 of 2016
Date :23/06/2016