



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10214 of 2016

GNANAGURUSAMY

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ELAYIRAMPANNAI P.S., VIRUDHUNAGAR DT.
CR.NO.85 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S G.THIRUVARUTSELVAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

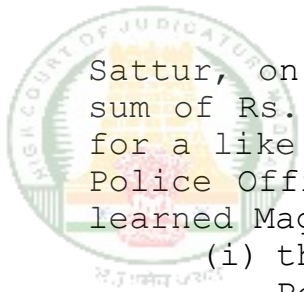
The petitioner, who is arrayed as accused No.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC and Section 4-A(2), 21 (1) Mines and Mineral Development and Regulation Act, 1957, in Crime No.85 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 21.06.2016 at the time of vehicle check up by the defacto complainant, the petitioner illegally transported one unit of river sand in the Tractor, without any permission. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioner is the owner of the vehicle and only based on the confession of co-accused, this petitioner has been falsely implicated in this case. He is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) submitted that the petitioner transported one unit of river sand, without any permission and there is no previous case against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case against the petitioner, 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.I,



Sattur, 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 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/-

24/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SATTUR.
- 2 THE JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE, ELAYIRAMPANNAI P.S., VIRUDHUNAGAR DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S G.THIRUVARUTSELVAN Advocate SR.No. 33377

am

JA-NGM-MP/SAR.I/29.6.2016/2P:6C

ORDER IN
CRL OP(MD) No.10214 of 2016
Date :24/06/2016