



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

Monday, the Twenty Seventh day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10344 of 2016

1 SONAIKARUPPU
2 MURUGAN

... PETITIONERS/ACCUSED No.1 and 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 181/16)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.J.CHAKKARAVARTHY 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 :-

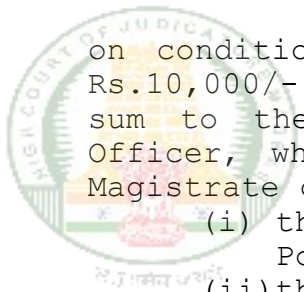
The petitioners, who are arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.181 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 16.06.2016, while the respondent police on the vehicle check up, the petitioners illegally transported 2 unit of river sand in the Tractor and Trailer, without any permission. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that the petitioners transported 2 unit of river sand, without any permission and there is no previous case against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai,



on condition that the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 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].

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 petitioners are complying with the conditions or not.

sd/-
27/06/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1. CC to M/S S.J.CHAKKARAVARTHY Advocate SR.No.33392.

ORDER
IN
CRL OP(MD) No.10344 of 2016
Date :27/06/2016

AM/GSV.PM/SAR-I/30.06.2016/2P/6C