



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.10362 of 2016

MUTHURAMA SUBRAMANIAN

... PETITIONER/ACCUSED No.3&5

Vs

STATE OF TAMIL NADU
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT CR.NO.265/2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.MALATHI Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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 an alleged offence punishable under Sections 379 of IPC r/w. 21 Mines and Minerals Act (Development and Regulation) Act, 1957 in Crime No.265 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused alleged to have transported the sand by using Lorry and Tipper Lorries bearing Regn.Nos.TN 39 AZ 4541, TN 61A 6228 and TN 30 AJ 1917 respectively without getting permission from the Government. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is only owner of the vehicle and his name has been falsely implicated in this case. He further contended that the co-accused has already been granted anticipatory bail by this Court in Crl.O.P (MD).No.9868 of 2016 dated 22.06.2016 and the other accused were released on bail by the Lower Court.

4. The learned Government Advocate (Crl. Side) submitted that the investigation of the case is pending.



5. Considering the facts and circumstances of the case and also considering the fact the co-accused have already been released on bail by the Court below and the other accused has granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner. 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, Vadipatti, Madurai District and 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 10.00 am until further orders.

[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 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 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].

sd/-

13/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE, ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S RANJIT Advocate SR.No.36325

ORDER IN

CRL OP(MD) No.10362 of 2016

Date :13/07/2016