



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

Wednesday, the Twenty Ninth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10622 of 2016

PALPANDI

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION
VIRUDHUNAGAR DISTRICT
CRIME NO.196 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.PON KARTHIKEYAN 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 :-

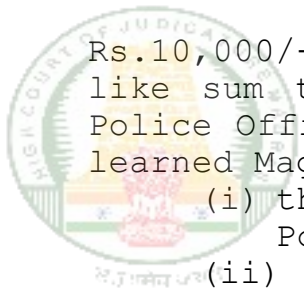
The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with Section 21(5), 23 of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.196 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that when the police party conducted vehicle check up, they intercepted a tractor bearing registration No.TN 67 B 8625 having sand. 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 tractor and without knowledge of the petitioner, A1 & A2 committed the crime.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that A1 & A2 were arrested and remanded to judicial custody.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the tractor and A1 & A2 were arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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 No.I, 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 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 petitiones 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/-
29/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE, VACHAKARAPATTI POLICE STATION
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.PON KARTHIKEYAN Advocate SR.No.33942
AM
CSL/GSV-PM/SAR-I/04.07.2016 : 2P/6C

ORDER
IN
CRL OP(MD) No.10622 of 2016
Date :29/06/2016