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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.10651 of 2016

N.MUTHURAMALINGAM ... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION
THOOTHUKUDI DISTRICT
CR.NO.141 OF 2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S NIRANJAN S.KUMAR 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 is arrayed as sole Accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with Section 21(c1) of Mines and Minerals Act, in Crime No.141 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 having 1 unit of sand, without 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.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that investigation is pending and the is not having any previous case.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is not having any previous case, 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,

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within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam 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

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Sub-Assistant Registrar (C.S.)

TO
1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION, THOOTHUKUDI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S NIRANJAN S.KUMAR Advocate SR.No.34101

ORDER IN
CRL OP(MD) No.10651 of 2016
Date :29/06/2016

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