



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

Friday, the First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10893 of 2016

S.RAJA

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION
VIRUDHUNAGAR DISTRICT
CR.NO.202 OF 2016

... 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 petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(4) of Mines and Minerals Act, 1957 and Section 379 IPC, in Crime No.202 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 27.06.2016, when the police party conducted vehicle check up, they intercepted a tipper lorry having sand to the tune of 3 units and arrested the accused 1 and 2. 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 tipper lorry and A.1 is the driver. A.1 and A.2 were already arrested and remanded to judicial custody.

4.The learned Government Advocate (Criminal side) submitted that A.1 and A.2 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 tipper

lorry, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Aruppukkottai, Virudhunagar District, on condition that the petitioner shall deposit a sum of Rs.10,000/- to the credit of Crime No.202 of 2016 before the learned Magistrate concerned and 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 10.00 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/-
01/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT

+1. CC to M/S S.J.CHAKKARAVARTHY Advocate SR.No.34501
smn

JM/SK-SKN/SAR-III/06.07.2016/2P-6C

ORDER
IN
CRL OP(MD) No.10893 of 2016
Date :01/07/2016