



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

Tuesday, the Twelfth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11320 of 2016

JAYAKUMAR,

... PETITIONER / ACCUSED No.2

Vs

The State Rep.by its
THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.100/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.SIVAKUMAR 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 :-

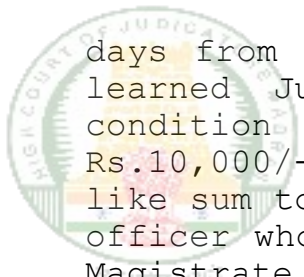
The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(a), 353, 307 of IPC 4(1)(1A), 21(1) of Mines and Minerals (Development and Regulation) Act, and 36(A) of MMDR Rules in Crime No.100 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported crusher dust by using tipper Lorry bearing Regn.No.TN 69 M 1828 and the same has been seized by the respondent Police. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that there is no previous case against the petitioner and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the vehicle, 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 No.I, Kuzhithurai 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:

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[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/-

12/07/2016

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

TO

1 THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S S.SIVAKUMAR Advocate SR.No.35942

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ORDER

IN

CRL OP(MD) No.11320 of 2016

Date :12/07/2016