



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

WEB COPY

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

CRL OP(MD) No.11452 of 2016

SELVAN

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 259 OF 2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S S.PALANI VELAYUTHAM, 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 accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w Section 21 of Mines and Minerals Regulation Act, in Crime No.259 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

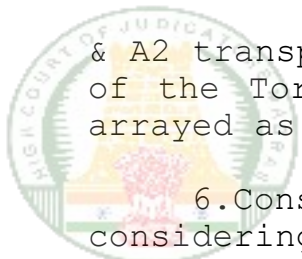
2.The case of the prosecution is that on 05.07.2016 at the time of vehicle check up by the defacto complainant, A1 & A2 illegally transported 6 unit of residue sand in a Torus Lorry and they were got red handed and they are in judicial custody.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners name is not found in the FIR. The petitioner is the owner of the Torus lorry and based on the confession of arrested accused, this petitioner is arrayed as accused.

4.The learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.3,000/- for each unit totally for a sum of Rs.18,000.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned Government Advocate (Crl.side) submitted that A1



& A2 transported 6 unit of residue sand. The petitioner is the owner of the Torus Lorry and on the confession of A1 & A2 he has been arrayed as accused and the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the submission on the side of the petitioner, 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, Valliyoor, on condition that the petitioner shall deposit a sum of Rs.18,000/- (Rupees Eighteen Thousand only) to the credit of Crime No.259 of 2016, before the said Court and 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/-
13/07/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT,

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

+1. CC to M/S S.PALANI VELAYUTHAM Advocate SR.No. 36310

ORDER

IN

CRL OP (MD) No.11452 of 2016

Date :13/07/2016

AM

TE/PEK/SAR-III : 18/07/2016 : 3P/6C