



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11465 of 2016

KADARKARAIYANDI @ TAPPA

... PETITIONER/ACCUSED NO.3

Vs

THE STATE

REP BY THE INSPECTOR OF POLICE

KARIVALAMVANDHANALLUR POLICE STATION,

TIRUNELVELI DISTRICT.

(CRIME NO. 177/2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.S.VAIGUNTH Advocate

For Respondent : M/S.P.KANNITHEVAN,

Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

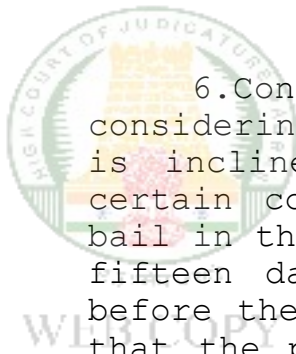
The petitioner, who is arrayed as accused No.3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 (Sand Theft) of IPC r/w Section 21 (I) and 21(iv) of Mines and Minerals Act, in Crime No.177 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the respondent police while he was on patrol duty, he intercepted the Tractor with Trailer, which was illegally transported 2 unit of river sand. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

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.6,000.

5.The learned Government Advocate (Crl.side) submitted that while the respondent police was on patrol duty, the petitioner was found in possession of 2 unit of river sand 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, Sankarankovil, on condition that the petitioner shall deposit a sum of Rs.6,000/- (Rupees Six thousand only) to the credit of Crime No.177 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, SANKARANKOVIL
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE
KARIVALAMVANDHANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- +1. CC to M/S A.S.VAIGUNTH Advocate SR.No.36318
RL/6C/2P/GSV/PM/SARI/18/7/2016

ORDER
IN
CRL OP(MD) No.11465 of 2016
Date :13/07/2016