



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11641 of 2016

ARUMUGAM

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT.
CRIME NO.197 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.BALAKRISHNAN 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 No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC read with Section 21(i)(v) of Mines and Minerals (Development and Regulation) Act, in Crime No.197 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

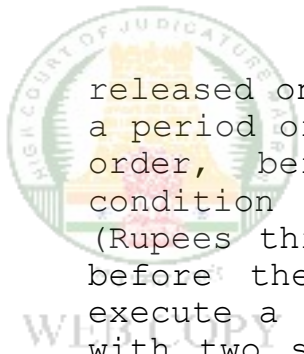
2.The case of the prosecution is that when the police party conducted vehicle check up, they intercepted a vehicle having one unit of sand. On complaint, case has been registered for the above said offences.

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 counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.3,000/- to the credit of Crime No.197 of 2016 before the learned Judicial Magistrate, Sivagiri.

5.The learned Government Advocate (Criminal side) submitted that the petitioner is having three previous cases.

6.Considering the facts and circumstances of the case, 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, Nanguneri, on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees three thousand only) to the credit of Crime No.197 of 2016 before the learned Judicial Magistrate, Nanguneri and he 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 twice i.e., at 10.00 a.m. and 05.00 p.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]**.

7. 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/-
14/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S M.BALAKRISHNAN Advocate SR.No.36624

ORDER
IN
CRL OP(MD) No.11641 of 2016
Date : 14/07/2016