



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.11702 of 2016

K.SANTHA GUNASEELAN

... PETITIONER /1st ACCUSED

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

KARIVALAMVANDHANALLUR POLICE STATION,

TIRUNELVELI DISTRICT.

CRIME NO.180/2016

... RESPONDENT / COMPLAINANT

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

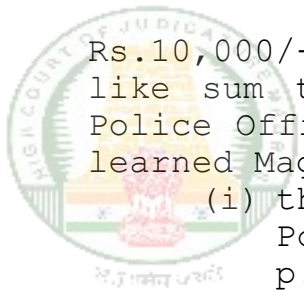
The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 (Sand Theft) IPC read with Sections 21 (1), 21(4) of Mines and Minerals Act, in Crime No.180 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that when the police party conducted vehicle check up, they intercepted a vehicle having 2 bags 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 an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that the petitioner is having one previous case.

5.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, Sankarankovil, 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 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]**.

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/-

14/07/2016

/ TRUE COPY /

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

SMN

TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT

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

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

+1. CC to M/S A.S.VAIGUNTH Advocate SR.No.37043

GJM/SKS/RR/SAR-III-18.7.16-2P-6C

ORDER

IN

CRL OP(MD) No.11702 of 2016

Date : 14/07/2016