



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11915 of 2016

ELAVARASAN

... PETITIONER/ACCUSED NO.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
BOOTHALUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 25 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.NAGALAKSHMI 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.4, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.25 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

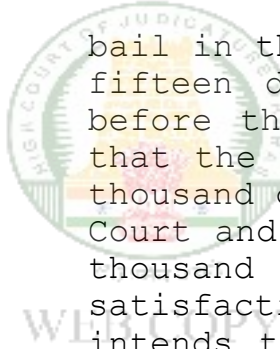
2.The case of the prosecution is that on 05.07.2016 at the time of vehicle check up by the defacto complainant, the accused persons illegally transported 1 unit of cravel sand in a Tipper Lorry. On complaint, case has been registered for the above said offences.

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 Tipper 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 one unit.

5.The learned Government Advocate (Crl.side) submitted that A1 & A2 transported 1 unit of cravel sand. The petitioner is the owner of the Tipper Lorry and on the confession of A1 & A2 he has been arrayed as accused and the investigation is pending. A1 & A2 were already arrested and enlarged on bail.

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, Thiruvaiyaru, on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees three thousand only) to the credit of Crime No.25 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/-
18/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJORE DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJORE AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, BOOTHALUR POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.NAGALAKSHMI Advocate SR.No.37378

ORDER

IN

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Date :18/07/2016