



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12114 of 2016

1 ELAMDURAI,
2 CHINNADURAI,

..PETITIONERS/ACCUSED 4 & 9

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
BOOTHALUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.146 OF 2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S M.NAGALAKSHMI 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 petitioners who are arrayed as A4 and A9 who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Resolution) Act, 1956 in Crime No.146 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused illegally transported one unit of river sand . On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the investigation of the case is pending.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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 petitioners shall deposit a sum of Rs.3,000/- (Rupees Three



Thousand Only) to the credit of Crime No.146 of 2016 before the concerned Magistrate and each of the petitioners 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent Police daily at 10.00 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 condition or not.

sd/-

20/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, BOOTHALUR POLICE STATION, THANJAVUR DISTRICT.

+1. CC to M/S M.NAGALAKSHMI Advocate SR.No.38191

ORDER IN

CRL OP(MD) No.12114 of 2016

Date :20/07/2016

PBK/NGM-MP/SAR-III 26/07/2016 ::2P-6C::