



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

Friday, the Twenty Second day of January Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.1259 of 2016

J.VINCENT

..PETITIONER/ACCUSED NO.2

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.ANAND 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.2, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 379 of IPC (Sand) and 21(iv) of Mines and Minerals Development and Regulation Act in Crime No.12 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that on 18.01.2016, the Village Administrative Officer, at the direction of Zonal Deputy Tahsildar, Amabasamudram, was conducted vehicle check up at Periyar School Roundana and intercepted a Tractor bearing Regn.No.TN 76V 8860 and found 0.90 unit of sand in their possession. When the same was questioned, they abused the defacto complainant and ran away from the place. On his complaint a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has got registration certificate for dealing with M. Sand issued by the Deputy Commercial Tax Officer, Ambasamudram in the name of New Binue Crusher vide TIN NO.33765622327 and he has also obtained Test Certificate from the Senior Chemist, Department of Industries and Commerce Regional Testing Laboratory, Thoothukudi, vide certificate No.1276 dated 1276 dated 07.08.2013. It is further contended that the petitioner was not present in the scene of occurrence and his name has been falsely implicated in the First Information Report and he prays for granting anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submitted that the petitioner was in possession of 0.50 unit of sand, without valid licence and the same was recovered. He further submitted that there is no previous case against the petitioner and the investigation is pending.

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5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is a licence holder and that the petitioner has no previous 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 before the learned Judicial Magistrate, Cheranmahadevi, Thirunelveli District and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

22/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT

+1. CC to M/S R.ANAND Advocate SR.No.4080

akm/27.01.2016/ 2p- 6c/AAL/MPA/SAR-I

ORDER

IN

CRL OP(MD) No.1259 of 2016

Date :22/01/2016