



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

Wednesday, the Twenty Seventh day of July Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.12979 of 2016

S. PRABHAKARAN

... PETITIONER/ACCUSED No.3

Vs

STATE REP BY THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.

IN CRIME NO. 374 OF 2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.BALASUBRAMANI 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 :-

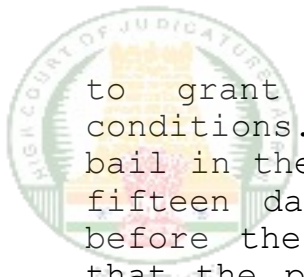
The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 21(1)(a)(b) of Mines and Minerals (Development and Regulation) Act, 1957 r/w 379 IPC, in Crime No.374 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the petitioner is that the petitioner purchased sand for the purpose of construction of house and after completing the same, the remaining sand about three units were kept in the house and Accused Nos.1 and 2, who are the friends of the petitioner, requested the same for their use.

3.The learned counsel for the petitioner submitted 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) appearing for the respondent submitted that the petitioner is the land owner of the property, where the sand was seized and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the sand which was seized was kept for the construction of the house of the petitioner, this Court is inclined



to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 No.II, Karur, 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 at 10.30 a.m., for a period of two weeks.
- (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/-
27/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KARUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, KARUR
- 3 THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION, KARUR DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.BALASUBRAMANI Advocate SR.No.39799

ORDER
IN
CRL OP(MD) No.12979 of 2016
Date :27/07/2016