



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

Thursday, the Twenty Eighth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13104 of 2016

MARISELVAM

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.209 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.KESAVAN 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 :-

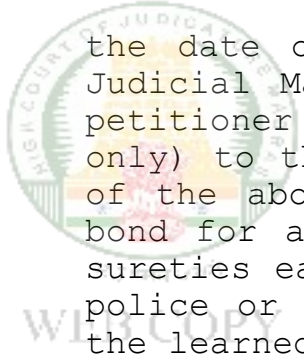
The petitioner, who is arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 21(5) and 23 of the Mines and Minerals (Development and Regulation) Act and 379 of IPC in Crime No.209 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported 1 unit of river sand without any valid permit by using Tractor bearing Regn.No.TN 55 R 4326 and on complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is the driver of the vehicle and he is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner has no previous case and 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 petitioner. 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 No.I, Virudhunagar and on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of above said Crime No.209 of 2016 on the file of the above said Magistrate and 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 the police officer who arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am until further orders.

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

[c] the petitioner 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 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 condition or not.

sd/-
28/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S A.KESAVAN Advocate SR.No.40158
TRP
JM/SKS-RR/SAR-III/01.08.2016/2P-6C

ORDER
IN
CRL OP(MD) No.13104 of 2016
Date :28/07/2016