



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.13153 of 2016

WEB COPY

S.RAJA

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR. NO.202/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.J.CHAKKARAVARTHY 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 :-

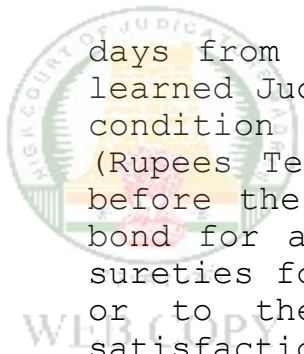
The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 379 of IPC r/w. Section 21(4) of Mines and Minerals Act, 1957 in Crime No.202 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that on 27.06.2016, when the police party conducted vehicle check up, they intercepted a tipper lorry having sand to the tune of 3 units and arrested accused 1 and 2. On complaint, a case has been registered against the petitioner.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner has already filed Crl.O.P(MD)No.10893 of 2016 for anticipatory bail before this Court and this Court vide order dated 01.07.2016, granted anticipatory bail to him. He could not produce the sureties before the learned Judicial Magistrate due to his illness. Hence, the petitioner has come up with the present petition.

4.Heard the learned Government Advocate (Criminal side).

5.Considering the facts and circumstances of the case and also the considering fact that this Court has already granted anticipatory bail to the petitioner vide order dated 01.07.2016 made in Crl.O.P(MD)No.10893 of 2016, 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, within a period of fifteen



days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.202 of 2016 before the Magistrate concerned and the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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/-

28/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.J.CHAKKARAVARTHY Advocate SR.No.40236

sm:SKS-RR:SAR III:04.08.2016:2P/6C

ORDER

IN

CRL OP(MD) No.13153 of 2016

Date :28/07/2016