



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

Friday, the Twenty Ninth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13251 of 2016

B. REX

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE

KANNIVADI POLICE STATION,DINDIGUL DISTRICT.

CRIME NO. 211/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.R.KANNAPPAN 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 :-

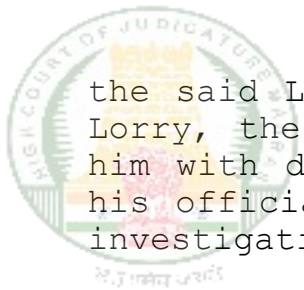
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 323, 379, 353 and 506(i) of IPC r/w Section 21(2) of Mines and Minerals Act, in Crime No.211 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 15.07.2016, the Village Administrative Officer/*de-facto* complainant intercepted the 407 Tipper Lorry and found that the petitioner illegally transported the sand in the said Lorry. When the *de-facto* complainant obstructed the said Lorry, the petitioner abused him in filthy language and threatened him with dire consequences and also prevented him from discharging his official duty. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is running a Bricks Quarry and he is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.3,000/-.

5. The learned Government Advocate (Crl.side) submitted that on 15.07.2016, the *de-facto* complainant intercepted the 407 Tipper Lorry and found that the petitioner illegally transported sand in



the said Lorry. When the *de-facto* complainant obstructed the said Lorry, the petitioner abused him in filthy language and threatened him with dire consequences and also prevented him from discharging his official duty. On complaint, the case has been registered and investigation is pending.

6. Considering the facts and circumstances of the case and also considering the submission made on the side of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he 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.II, Dindigul, on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three thousand only) to the credit of Crime No.211 of 2016, before the said Court and 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 10.00 a.m., and 5.00 p.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]**.

7. 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/-
29/07/2016

/ TRUE COPY /

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



TO

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

+1. CC to M/S A.R.KANNAPPAN Advocate SR.No.40810

ORDER

IN

CRL OP (MD) No.13251 of 2016

Date :29/07/2016

AA/ARK-PV/SAR-I/08.08.2016/3p-6c