



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

Thursday, the Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13807 of 2016

M. PORSELVI

... PETITIONER/ACCUSED NO.10

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

BOOTHALUR POLICE STATION,

THANJAVUR DISTRICT.

CRIME NO. 146 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.VELUCHAMY 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.10, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Resolution) Act, 1956, in Crime No.146 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused persons illegally transported river sand. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. A.4 and A.9 were granted anticipatory bail by this Court vide order dated 20.07.2016 made in Crl.O.P(MD)No.12114 of 2016.

4.The learned Government Advocate (Criminal side) submitted that the petitioner along with the other accused persons illegally transported four units of river sand and investigation is pending.

5.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.3,000/- to the credit of Crime No.146 of 2016 before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.

6.Considering the facts and circumstances of the case and also considering the fact that A.4 and A.9 were already granted anticipatory bail, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial



Magistrate, Thiruvaiyaru, Thanjavur District, on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees three thousand only) to the credit of Crime No.146 of 2016 before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District and she 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. 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/-
04/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM AT THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE, BOOTHALUR POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.VELUCHAMY Advocate SR.No.42467

ORDER

IN

CRL OP(MD) No.13807 of 2016

Date :04/08/2016