



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.13868 of 2016

PRAKASH

... PETITIONER / SOLE ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE
KALAKADU POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO.230/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

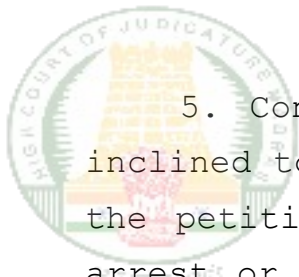
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 379 (Sand theft) of IPC r/w Section 21(1) (v) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.230 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the petitioner transported two unit of sand without any valid permit, by using Tipper Lorry bearing Regn.No.TN 72 AX 9804. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner transported two unit of sand without valid permit 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, Nanguneri on condition that the petitioner shall deposit a sum of Rs.6,000/- (Rupees Six Thousand only) to the credit of Crime No.230 of 2016 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 intends to 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.

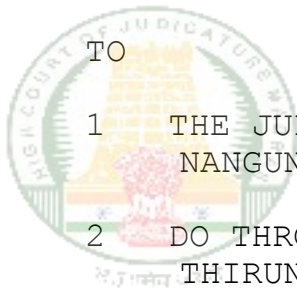
[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-

04/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, THIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI

3 THE INSPECTOR OF POLICE
KALAKADU POLICE STATION, TIRUNELVELI DISTRICT.

4 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.D.VENKATESH Advocate SR.No.41901

JAM/09.08.2016/NGM-MP/SAR AE/3P-6C

ORDER

IN

CRL OP(MD) No.13868 of 2016

Date :04/08/2016