



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Fifth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13980 of 2016

KARUPPASAMY

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.152 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.D.VENKATESH ADVOCATE

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT 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, apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(4) of Mines and Minerals Act and Section 379 IPC, in Crime No. 152 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

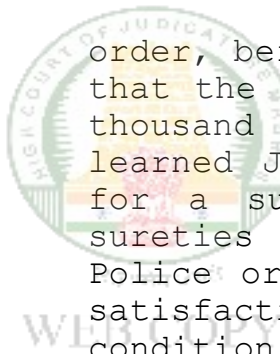
2.The case of the prosecution is that on 31.07.2016, when the police party was on patrol duty, they found a JCB vehicle and 4 Tractors and Trailers loaded with the clay at the pond named Karuvantha. On seeing the police, the accused tried to escape. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.3000/- to the credit of Crime No.152 of 2016 before the learned Judicial Magistrate, Tenkasi.

5.The learned Government Advocate (Criminal side) submitted that investigation is pending.

6.Considering the facts and circumstances of the case, 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, Tenkasi, on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees three thousand only) to the credit of Crime No.152 of 2016 before the learned Judicial Magistrate, Tenkasi, and he 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]**.

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/-
05/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, TENKASI.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No. 42437

ORDER IN
CRL OP(MD) No.13980 of 2016
Date :05/08/2016