



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14670 of 2016

MADASAMY

... PETITIONER/ACCUSED NO.6

Vs

STATE BY
THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI,
CRIME NO.118 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.SAMUEL GUNASINGH 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 :-

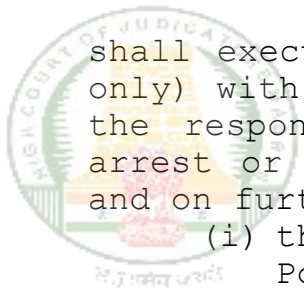
The petitioner, who is arrayed as Accused No.6, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC and Section 3 of TNPPDL Act, in Crime No.118 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons alleged to have transported the sand illegally by using Tractor. On complaint, a case has been registered against the petitioners.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. The co-accused in this case were already granted anticipatory bail by this Court vide order dated 05.07.2016 made in Crl.O.P(MD)No.10585 of 2016.

4.The learned Government Advocate (Crl. Side) submits that the petitioner along with the other accused persons transported the sand illegally and it was seized and investigation is pending.

5.Considering the facts and circumstances of the case and the co-accused were already granted anticipatory bail by this Court, 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 No.III, Tirunelveli, on condition that 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 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/-
12/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION, TIRUNELVELI,

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

+1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No.44153

SMN
CSL/KP/SAR-III/22.08.2016: 2P/6C

ORDER
IN
CRL OP(MD) No.14670 of 2016
Date :12/08/2016