



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

Tuesday, the Sixteenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.14837 of 2016

SUKUMAR

... PETITIONER/ACCUSED No.1

Vs

STATE OF TAMIL NADU
REP. BY ITS INSPECTOR OF POLICE,
BODI TALUK POLICE STATION,
THENI DISTRICT.

***CR.NO.424 OF 2016**

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.K.MALATHI, 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 apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 379 (Sand theft) of IPC r/w. Section 36(A) 21(i) of Mines and Minerals Act in ***Crime No.424 of 2016**, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused illegally transported one unit of sand without any valid permit. 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 illegally transported one unit of sand 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, Bodinayakanoor, Theni District on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of ***Crime No.424 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/-

16/08/2016

**(*As per order of this Hon'ble Court made in
Crl.MP.(MD).No.8639/16 in Crl.OP.(MD).NO.14837/16
dated:20.09.2016 by BGJ)**

/ TRUE COPY /

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

TO

To be substituted the order copy already despatched

1. THE JUDICIAL MAGISTRATE,
BODINAYAKANOOR, THENI DISTRICT.
2. -do-thro THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.Senguttuarasan Advocate SR.No. 54064

ORDER IN
CRL OP(MD) No.14837 of 2016
Date :16/08/2016

TRP
<https://hcservices.ecourts.gov.in/hcservices/>
TE/SS-3/SAR-III : 23/08/2016 : 2P/6C
sm:PV:SAR III:28/09/2016:2P/6C