



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

**Wednesday, the Twenty Fourth day of August Two Thousand Sixteen
PRESENT**

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

CRL OP (MD) No.15008 of 2016

ANBUPATTURAJ

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.JEYAKUMAR Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who is arrayed as sole accused was arrested and remanded to judicial custody on 01.08.2016 for the alleged offences punishable under Sections 379 of IPC and Section 21(iv) of Mines and Minerals Development and Regulation Act and Section 3 and 4 of TNPPDL Act in Crime No.187 of 2016, on the file of the respondent police and hence, seeks bail.

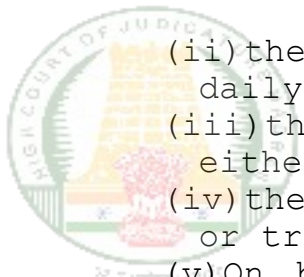
2. The case of the prosecution is that the petitioner along with other accused illegally transported one unit of sand each by using gunny bag. On complaint, a case has been registered for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner was released on bail in the previous cases and he is in judicial custody for the present case from 01.08.2016 and prays for enlarging the petitioner on bail.

4.The learned Government Advocate (Crl.side) submitted that the petitioner is having 14 previous cases and the investigation of the case is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i)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 learned Judicial Magistrate, Srivaikundam, Tuticorin District.



(ii)the petitioner shall appear before the respondent Police daily at 10.00 am and 5.00 pm until further orders.

(iii)the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv)the petitioner shall not abscond either during investigation or trial.

(v)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/-

24/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
- 3 THE INSPECTOR OF POLICE, SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
- 4 THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JEYAKUMAR Advocate SR.No. 46911

trp

JA-SKS-RR-SAR.III/24.08.2016/2P:7C

ORDER IN
CRL OP(MD) No.15008 of 2016
Date :24/08/2016