



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.16050 of 2016

1 S. GURUVAIYA

2 G. SELVARAJ

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP.BY THE INSPECTOR OF POLICE

VENBAKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.

(CRIME NO. 179/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S G.THIRUVARUTSELVAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w Sections 4(1)(A), 21(1) of Tamil Nadu Mines and Minerals Act, in Crime No.179 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

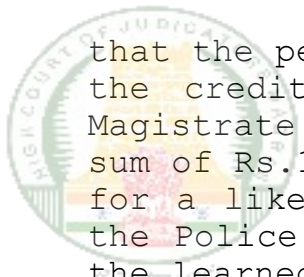
2.The case of the prosecution is that the accused transported sand from Mangammal Channel using two tractors bearing Registration No.TN-55-7126 and TN-65-3075 without any permit or licence. On seeing the respondent Police, the petitioners escaped from the place of occurrence. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioners submitted that the petitioners are willing to deposit a total sum of Rs.3,000/- each to the credit of Crime No.179 of 2016 before the learned Judicial Magistrate No.II, Sattur.

5.Heard the learned Government Advocate (Criminal side).

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur, on condition



that the petitioners shall deposit a total sum of Rs.3,000/- each to the credit of Crime No.179 of 2016 before the learned Judicial Magistrate No.II, Sattur and each of them 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
30/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE, VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S G.THIRUVARUTSELVAN Advocate SR.No.48718

JA-CK-SAR.I/06.09.2016/2P:6C

ORDER IN
CRL OP(MD) No.16050 of 2016
Date :30/08/2016