



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

Thursday, the Twentieth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19239 of 2016

SUBRAMANIAN, ... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT
IN CRIME NO.391 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act in Crime No.391 of 2016 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner illegally transported sand through his Tipper Lorry.

4. Learned counsel for the petitioner submitted that the petitioner is only the driver of the Lorry and is innocent of the offence alleged against him.

5. Learned Government Advocate (Crl. Side) submitted that the petitioner transported two units of sand and that co-accused was already released on bail on 21.09.2016 in Crl.O.P.(MD) 17493 of 2016.

6. Considering the facts and circumstances of the case and also taking note of the fact that co-accused was already released on bail



by this Court, this Court is of the view that custodial interrogation of the petitioner is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioner.**

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Tenkasi, Tirunelveli District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;**

(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 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 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]**.

sd/-

20/10/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT
2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
3 THE INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION, TIRUNELVELI DISTRICT
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1. CC to M/S.R.ANAND Advocate SR.No.62182

ORDER IN

CRL OP(MD) No.19239 of 2016

Date :20/10/2016