



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

Tuesday, the First day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CRL OP (MD) No.20702 of 2016

JAYACHANDRA PANDIAN

... PETITIONER/ ACCUSED No.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT
Crime No.389/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.RAMU Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

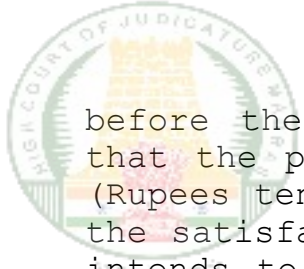
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w 21(i) Mines and Minerals Act in Crime No.389 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.10.2016 when the respondent Police conducted raid, it was found that the petitioner transported 3/4 unit of sand in a Tractor.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

4.The learned Government Advocate (Crl.side) submitted that no previous case is pending against the petitioner. He further submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that no previous case is pending against the petitioner, 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, Rajapalayam, 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 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 10:30 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]**.

sd/-
01/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTTUR
- 3 THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.RAMU Advocate SR.No.64612

ORDER
IN
CRL OP(MD) No.20702 of 2016
Date :01/11/2016