



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15924 of 2016

MURUGAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION
RAMANATHAPURAM DISTRICT
CR.NO.84 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S D.SENTHIL Advocate
For Respondent : MR.P.KANNITHEVAN, Govt. 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 No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 21 (1) of Tamil Nadu Mines and Minerals Act and 379 of IPC, in Crime No.84 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

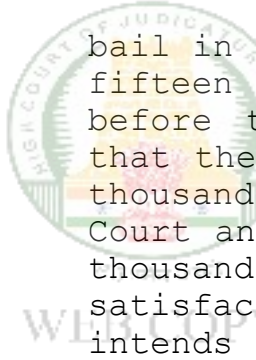
2.The case of the prosecution is that the respondent police while he was on patrol duty, he intercepted the Bullock Cart, which was illegally transported ½ unit of sand, without any valid permit. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.3,000/-.

5.The learned Government Advocate (Crl.side) submitted that while the respondent police was on patrol duty, the petitioner was found in possession of ½ unit of sand and the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the submission on the side of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he 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, Paramakudi, on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three thousand only) to the credit of Crime No.84 of 2016, before the said Court and 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 petitioner shall report before the respondent Police daily at 10.00 a.m., and 5.00 p.m., until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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 conditions or not.

sd/-
29/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, EMANESWARAM POLICE STATION, RAMANATHAPURAM DISTRICT

+1. CC to M/S D.SENTHIL Advocate SR.No.47769.

ORDER
IN
CRL OP(MD) No.15924 of 2016
Date :29/08/2016