



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

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) No.12524 of 2017

BALAMURUGAN,

... PETITIONER / 2nd ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VEERACHOLAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.42 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.ANANDAN Advocate

For Respondent : Mr.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR.

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

ORDER : The Court Made the following order :-

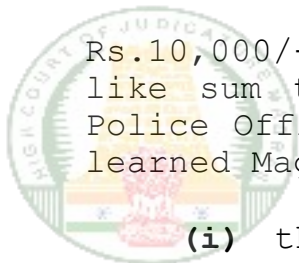
The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 of I.P.C, r/w 21(1) Mines and Minerals Act, on the file of the respondent Police in Crime No.42 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported gravel sand.

3.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police, on instructions, would submit that investigation is pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Aruppukottai 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 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 10.30 am until further orders for interrogation.

(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]**.

sd/-
22/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUR.
- 3 THE INSPECTOR OF POLICE,
VEERACHOLAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.ANANDAN Advocate SR.No.31416

ORDER
IN
CRL OP(MD) No.12524 of 2017
Date :22/09/2017

MV:CM-MSA:SAR3:26/09/2017/2P/6C