



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14254 of 2017

R.PERIYADURAI @ KARNAN

... PETITIONER / ACCUSED No.2

Vs

State rep.by its

THE INSPECTOR OF POLICE

KALLAL POLICE STATION, KALLAL, SIVAGANGAI DISTRICT,

CRIME NO.193 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : Mr.K.Anbarasan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

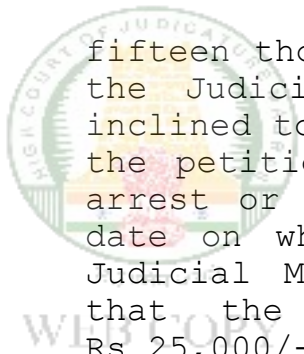
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., r/w Section 21(IV) of Mines and Regulation Act 1959, in Crime No.193 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 16.10.2017 at about 06.00 a.m., the petitioner illegally transported river sand without any valid licence and the same was seized by the respondent police and registered a case against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by prosecution. However, he agrees to deposit a sum of Rs.15,000/-(Rupees fifteen thousand only) to the Credit of Crime No.193 of 2017 before the Judicial Magistrate, Karaikudi, Sivagangai District, without prejudice their defence before the trial Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that investigation is pending in this case.

5.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner that the petitioner would pay a sum of Rs.15,000/-(Rupees



fifteen thousand only) to the credit of Crime No.193 of 2017 before the Judicial Magistrate, Karaikudi, Sivagangai District, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 is directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.193 of 2017 before the Judicial Magistrate, Karaikudi, Sivagangai District, without prejudice their defence before the trial Court and thereafter the learned Magistrate shall accept the sureties furnished by the petitioner.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

(e) the petitioner shall not commit any offence while on bail;

(f) 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/-

25/10/2017

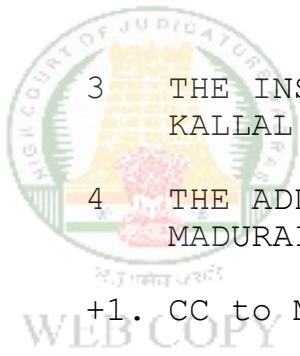
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
KARAISKUDI, SIVAGANGAI DISTRICT

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
<https://hcservices.ecourts.gov.in/hcservices/>



3 THE INSPECTOR OF POLICE
KALLAL POLICE STATION, KALLAL, SIVAGANGAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.P.KALIMUTHU Advocate SR.No.33176

ORDER

IN

CRL OP(MD) No.14254 of 2017

Date :25/10/2017

SM:PM-PN:SAR 4:31.10.2017:3P/6C