



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.459 of 2018

KALIAPPAN

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT,
IN CRIME NO. 23/2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.M.ANANTHA MURUGAN Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

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

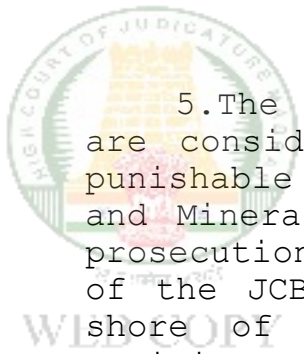
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC and Section 21 (1) (5) of Mines and Minerals Act and Section 3 of TNPPDL Act, 1992 in Crime No.23 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the owner of the JCB and A1 is the driver of the said vehicle. On the date of occurrence, A1 damaged the shore of the kanmoi while he was taking gravels. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.



5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Sections 379 IPC and Section 21 (1), (5) of Mines and Minerals Act and Section 3 of TNPPDL Act, 1992. As per the prosecution, the allegation is that the petitioner being the owner of the JCB vehicle bearing Reg.No.TN 69 AZ 4331, has damaged the shore of the kanmoi. Hence, custodial interrogation of the petitioner is not necessary for completing investigation.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, No.II, Sivakasi, Virudhunagar District on condition that each of 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 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 a.m. for a period of three weeks and thereafter, as and when required 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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
10/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.459 of 2018

Date :10/01/2018

PK/CM-VR/SAR-2/17.01.2018 : 3P/5C