



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7573 of 2018

KARUPPASAMY,

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY :
THE INSPECTOR OF POLICE,
TOWN POLICE STATION, SATTUR,
VIRUDHUNAGAR DISTRICT.
(CR.NO.266/2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.PR BOOMEE RAJAN Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

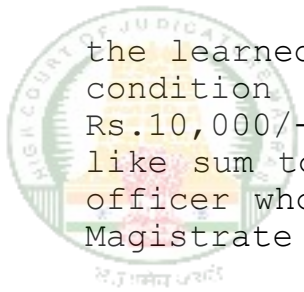
The petitioner, who apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 379 of IPC r/w 21(1) of mines and Minerals Act, in Crime No.266 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported half unit of sand through tractor bearing Registration No.TN-65-B-3877 on 28.04.2018.

3. The learned counsel for the petitioner submitted that the co-accused was released on bail and prays for anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is already having previous case of similar offence in Crime No.236 of 2017 on the file of Sathur Police Station.

5. Considering the allegation against the petitioner is theft of only half unit of sand and that the co-accused already released on bail, this Court is 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-II, Sattur, Virudhunagar District 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 a.m. 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/-

03/05/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, SATTUR, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.PR BOOMEERAJAN Advocate SR.No.8154

KAS

GJM/PN/ASVM/7.5.18-2P-6C

ORDER

IN

CRL OP(MD) No.7573 of 2018

Date : 03/05/2018