



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7661 of 2018

BALAMURUGAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KANDAMANOOR POLICE STATION,
THENI DISTRICT.
CRIME NO.187/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SENGUTTUARASAN, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

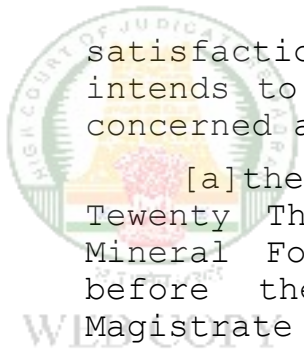
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC and Section 3(iii) TNPPDL in Crime No.187 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner is said to have illegally transported one unit of odai sand by using tractor bearing Reg.No.TN 57 9840. Hence, the present complaint has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police on instructions would submit that the property was recovered and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the property was recovered, 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
Services, Andipatti, Theni 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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to his defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[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]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/-
09/05/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ANDIPATTI,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE
KANDAMANOOR POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND,
THENI DISTRICT.

+1. CC to M/S.P.SENGUTTUARASAN Advocate SR.No.8349

ORDER IN
CRL OP(MD) No.7661 of 2018
Date :09/05/2018

MS/CM/VK/11.05.2018/2P.7C