



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

Wednesday, the Ninth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7713 of 2018

KARUPPASAMY

... PETITIONER / ACCUSED (SOLE)

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
THENI DISTRICT ,
CR.NO.183/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.SENTHIL KUMAR Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

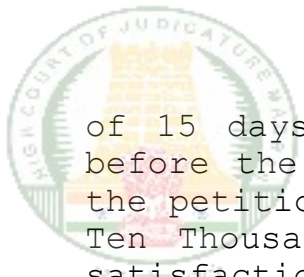
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 21(1) of Mines and Minerals Act r/w Section 379 IPC in Crime No.183 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner is said to have illegally transported quarter unit of sand. 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 there is no previous case registered against the petitioner and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, 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, Theni, 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.10,000/- (Rupees Ten 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.)

TO

1 THE JUDICIAL MAGISTRATE, THENI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI

3 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, THENI DISTRICT

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

5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST FUND, THENI

+1. CC to M/S.J.SENTHIL KUMAR Advocate SR.No.8262
gns/trp

JAM/11/05/2018/ PN/ASVM / 2P-7C