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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Nineteenth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5140 of 2015

1 MUTHUKARUPPASAMY
2 GOPAL
3 THIRUMURUGAN ... PETITIONERS/ACCUSED
(RANKS NOT KNOWN)

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE
APPAIYANAICKANPATTI POLICE STATION,
VIRUDHUNAGAR DIST.
(CR.NO. 71 OF 2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.UDHAYA LAW ASSOCIATES Advocate

For Respondent : Mr.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.71 of 2015 on the file of the respondent police for offences under Sections 294(b), 353, 307, 379 of I.P.C. r/w. Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side).

3. It appears that these petitioners had threatened the officials, when the officials intercepted them while the petitioners were illegally mining sand.

4. The learned Government Advocate (Crl.side) submitted that there are three previous cases against Muthukarupasamy, the first petitioner herein.

5. Therefore, this Court is not inclined to grant anticipatory bail to the first petitioner and hence, this petition is dismissed as far as the first petitioner is concerned. As regards the petitioners 2 and 3, there is no previous case against them and hence, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3. Accordingly, the petitioners 2 and 3 are

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ordered to be released on bail, in the event of their 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 No.I, Sattur on their executing 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 petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m. and 6.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation.

[b] the petitioners 2 and 3 shall give their thumb impressions, specimen signatures and handwritings.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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].***

[f] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not. Petition dismissed as against Muthukaruppasamy(First petitioner)

sd/-
19/03/2015

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Sub-Assistant Registrar (C.S.)

TO
1 THE JUDICIAL MAGISTRATE NO.I, SATTUR
2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTTUR
3 THE SUB INSPECTOR OF POLICE APPAIYANAICKANPATTI POLICE STATION,
VIRUDHUNAGAR DIST.
4 THE ADDL.PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.UDHAYA LAW ASSOCIATES Advocate SR.No.13181

ORDER IN
CRL OP(MD) No.5140 of 2015
Date :19/03/2015

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