



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

Tuesday, the Ninth day of February Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.24338 of 2015

WEB COPY

1 MURUGARAJ @ MURUGAN
2 VELUTHURAI

... PETITIONERS/ACCUSED NO. 4 & 5
Vs

STATE REP BY THE INSPECTOR OF POLICE
SERNTHARAMARAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO.320 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.SASIKUMAR 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 :-

The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 353, 506(ii) and 379 (NH) I.P.C., r/w Section 3 of TNPPDL Act, in Crime No.320 of 2015, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.V.Sasikumar, learned counsel appearing for the petitioners / Accused 4 and 5 and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. This is the second application for anticipatory bail and the first anticipatory bail application, in Crl.O.P.(MD) No.20074 of 2015, was dismissed as withdrawn by this Court, vide Order dated 06.11.2015. It is seen that on a complaint lodged by the Village Administrative Officer complaining that the petitioners and the co-accused are illegally quarrying blue metals, the case in Crime No.320 of 2015 has been registered. Further, it is seen that the co-accused Samiraj, son of Muppili, has been granted anticipatory bail, in Crl.M.P.No.6157 of 2015, on 12.10.2015, by the learned Principal Sessions Judge, Tirunelveli.

4. Taking into consideration the fact that the co-accused has been granted anticipatory bail, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners / Accused 4 and 5. Accordingly, they are 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, Tenkasi, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) each of the petitioners / Accused 4 and 5 shall deposit a sum of Rs.1,500/- (Rupees one thousand and five hundred only) under the head of Crime No.320 of 2015, on the file of the respondent Police and the said amount shall be kept in CrI.C.D., to be decided in trial.
- (ii) the petitioners / Accused 4 and 5 shall report before the respondent Police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.
- (iii) the petitioners / Accused 4 and 5 shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners / Accused 4 and 5 shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners / Accused 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners / Accused 4 and 5 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]**.

5. 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.

sd/-
09/02/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
 - 3 THE INSPECTOR OF POLICE
SERNTHARAMARAM POLICE STATION, TIRUNELVELI DISTRICT
 - 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S V.SASIKUMAR Advocate SR.No.7720

ORDER IN
CRL OP(MD) No.24338 of 2015
Date : 09/02/2016