



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

Friday, the Fifteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11790 of 2016

MURURGAN

... PETITIONER/ ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY  
THE SUB INSPECTOR OF POLICE,  
VASUDEVANALLUR POLICE STATION,  
(CRIME NO.122/16)  
TIRUNELVELI DISTRICT.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S R.RAMASAMY Advocate

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

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

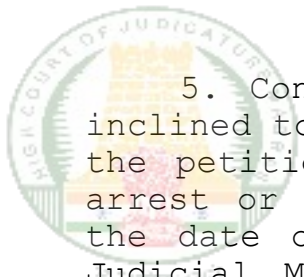
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 379 (Sand theft) of IPC r/w. Section 3 of Tamil Nadu Public Property Damage and Loss Act in Crime No.122 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused transported one unit of sand by using Tractor bearing Regn.Nos.TN67 AV 6774. On complaint, a case 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 their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner alleged to have transported one unit of sand and the investigation of the case is pending. He further submitted that the petitioner is having two previous cases.



5. Considering the facts and circumstances of the case, I am 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, Thirunelveli District on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.122 of 2016 and 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 10.00 am 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/-  
15/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TIRUNELVELI DISTRICT.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, VASUDEVANALLUR POLICE STATION,  
TIRUNELVELI DISTRICT.

+1. CC to M/S R.RAMASAMY Advocate SR.No.36971

trp  
JM/SK-SKN/SAR-III/20.07.2016/2P-6C

ORDER  
IN  
CRL OP(MD) No.11790 of 2016  
Date :15/07/2016