



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12846 of 2016

1 GANESAN

2 SANTHANAMA @ SHANMUGASUNDARAM

3 KANNAIAH

4 MATHAVAN

5 PASUPATHI

... PETITIONER/ACCUSED NO.2 TO 6

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

PAPAKUDI POLICE STATION,

CHERANMAHADEVI TALUK,

TIRUNELVELI DISTRICT,

CRIME NO. 111 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.ANGUSAMY 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 petitioners, who are arrayed as accused Nos.2 to 6, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC, in Crime No.111 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

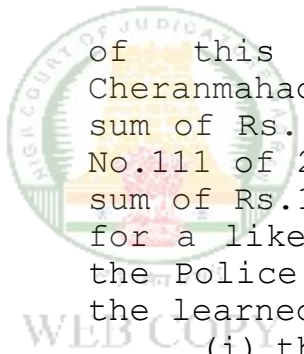
2.The case of the prosecution is that the respondent police while he was on patrol duty, he searched the vehicles near at Odakaraipatti, Manthoppu Estate, which was illegally transported 1½ unit of sand. On complaint, case has been registered for the above said offences.

3.The case of the petitioners are that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned counsel for the petitioners submitted that the petitioners are ready and willing to deposit a sum of Rs.6,000/-.

5.The learned Government Advocate (Crl.side) submitted that while the respondent police was on patrol duty, the petitioner was found in possession of 1 ½ unit of sand and the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the submission on the side of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Cheranmahadevi, on condition that the petitioners shall deposit a sum of Rs.6,000/- (Rupees Six thousand only) to the credit of Crime No.111 of 2016, before the said Court and 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) the petitioners shall report before the respondent Police daily at 10.00 a.m., until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

6.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/-
26/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE, PAPAKUDI POLICE STATION,
CHERAN MAHADEVI TALUK, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.ANGUSAMY Advocate SR.No.39550

AM

CSL/AAL-MPA/SAR-I/29.07.2016 :2P/6C

ORDER
IN
CRL OP(MD) No.12846 of 2016
Date :26/07/2016