



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13731 of 2016

1 PITCHAIAH
2 MANIKANDAN

... PETITIONERS/ACCUSED No.2&3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALWARKURUCHI POLICE STATION,
AMBASAMUTHIRAM, TIRUNELVELI DISTRICT.
(CRIME NO.132 OF 2016)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.M.MAHANDRAN, ADVOCATE

FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

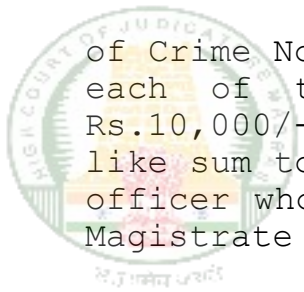
The petitioners, who are arrayed as accused nos. 2 and 3 apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 379 (Sand) of IPC, in Crime No.132 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the petitioners transported $\frac{1}{2}$ unit of sand by using vehicle without any valid permit and on complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have 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 petitioners have transported one unit of sand and the investigation of the case is pending. He further submitted that A2 is having three previous cases.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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, Ambasamuthiram on condition that the petitioners shall deposit a sum of Rs.3,000/- to the credit



of Crime No.132 of 2016 on the file of the above said Magistrate and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am and 5.00 pm until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 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 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 condition or not.

sd/-
03/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, AMBASAMUTHIRAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALWARKURUCHI POLICE STATION,
AMBASAMUTHIRAM,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.MAHANDRAN Advocate SR.No. 42419

ORDER IN
CRL OP(MD) No.13731 of 2016
Date :03/08/2016