



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

Thursday, the Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13843 of 2016

1 MURUGANANDHAM,
2 MUNIYASAMY,

...PETITIONERS/ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPUARM DISTRICT.
(CR.NO.106/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.VENKATESWARAN Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

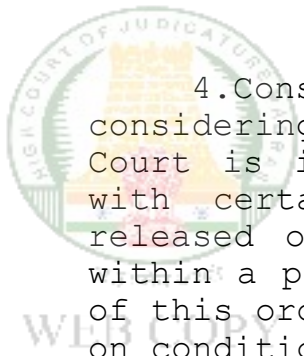
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 353, 307 and 379 IPC and Section 21(1) of Mines and Minerals Development of Regulation Act, 1957, in Crime No.106 of 2016 on the file of the respondent police and hence, seek anticipatory bail.

2.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and due to political enmity, they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

3.It is submitted by the learned Government Advocate (Crl.Side) that the petitioners illegally attempted to take away sand from the river using a tractor and when it was prevented by the respondent police, they attempted to kill them. He further submitted that the petitioners are involved in 5 previous cases for the offence under Section 307 IPC and no one sustained injury in this case.



4. Considering the facts and circumstances of the case and also considering the fact no one sustained injury in this case, 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, Mudukulathur, 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) 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].

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/-
04/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUDUKULATHUR.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, KADALADI POLICE STATION, RAMANATHAPURAM DISTRICT.
- +1. CC to M/S.R.VENKATESWARAN Advocate SR.No.41826.

ORDER
IN
CRL OP(MD) No.13843 of 2016
Date : 04/08/2016