



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.15459 of 2016

1 ALBERT XAVIER
2 SELVAM

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
KANNIVADI, DINDIGUL DISTRICT.
(CRIME NO.151 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.LAWRANCE 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, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 353, 307 IPC and Sections 4 read with 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.151 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 25.04.2015, when the revenue officials conducted vehicle check up near river bed, one Manikandan indulged in sand mining from the river bed using JCB bearing Registration No.TN-57-AB-6762 and was loading in a tractor bearing Registration No.TN-57-K-7430 and the driver of the tractor namely Gopi and one Ravichandran and Palpandi were also present there. When the de facto complainant enquired them, they threatened him with dire consequences and the driver of the JCB drove the vehicle in a rash manner towards the revenue officials with a view to kill them. The revenue officials ran away with a view to escape from the attack. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner is the owner of the JCB



and the second petitioner is the owner of the vehicle bearing Registration No.TN-57-K-7454. They have nothing to do with the alleged occurrence. Their names were not found place in the FIR.

4.The learned Government Advocate (Criminal side) submitted that during vehicle check up, the accused persons threatened the revenue officials with dire consequences and also drove the vehicles in a rash manner towards them with a view to kill them. Investigation has been completed. The petitioners are the owners of the vehicles.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are only the owners of the vehicles and investigation has been completed, 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 No.II, Dindigul 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]**.

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/-
23/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL

2 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION, KANNIVADI, DINDIGUL DISTRICT.

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

+1. CC to M/S.J.LAWRANCE Advocate SR.No.47003

ORDER

IN

CRL OP(MD) No.15459 of 2016

Date :23/08/2016

smn

SH/AAL-MPA/SAR-III:24.08.2016:3P/6C