



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

Thursday, the Third day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP (MD) No.20916 of 2016

1 BALAMURUGAN
2 CHELLAPPAN
3 KRISHNASAMY
4 SUBRAMANIAN

... PETITIONERS/A1 TO A4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT
CR.NO.334/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.ROBINSON Advocate

For Respondent : Mrs.S.PRABHA, Government Advocate, (Crl.side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC and Section 21 of Mines and Minerals Development Act and Section 3 of TNPPDL Act in Crime No.334 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioners have committed theft of sand and kept the same in ten gunny bags, which resulted in registration of the case.

4. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case.

5. Learned Government Advocate (Crl. Side) submitted that the petitioners were found in possession of 10 bags of sand without any permit and that there is no previous case as against these petitioners.

6. Considering the facts and circumstances of the case and taking into account the fact that there is no bad antecedents alleged against these petitioners, this Court is of the view that custodial interrogation of these petitioners is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Srivaikuntam, Thoothukudi District, subject to the following conditions:**

(i) each of the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with common two sureties** 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 Magistrate concerned;

(ii) each of the petitioner shall deposit Rs.1,000/- (Rupees One Thousand Only) to the credit of Crime No.334 of 2016 before the learned Judicial Magistrate, Srivaikuntam, Thoothukudi District within a period of two weeks from the date of receipt of a copy of this order;

(iii) **the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;**

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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/-

03/11/2016

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1. THE JUDICIAL MAGISTRATE
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.ROBINSON Advocate SR.No.65492

ORDER
IN
CRL OP(MD) No.20916 of 2016
Date :03/11/2016

ar
SH/KM/SAR-I:14.11.2016:2P/6C