



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

Monday, the Nineteenth day of December Two Thousand Sixteen

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PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23479 of 2016

1 AYYAPPAN

2 KUMAR @ SIVA KUMAR,

3 SIVA @ PARAMASIVAN,

... PETITIONERS/ACCUSED Nos. 1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.328 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.P.KANDASAMY, 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 to 3, in Crime No.328 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of I.P.C r/w 21(1) of the Mines and Minerals(Development and Regulations) Act, 1951 and hence, seek anticipatory bail.

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

3.The learned Government Advocate(Crl. Side) on instructions submitted that the petitioners along with other accused said to have committed theft of river sand and totally there are four accused in this case and the petitioners herein are A-4, A-1 and A-2 respectively and A-3, who is the driver of the vehicle during the occurrence was arrested and he is in custody. The first petitioner is the owner of TATA -407 vehicle, which was seized along with the sand and the second and third petitioners are labourers. He further submitted that there are four previous cases against the first petitioner herein and two among them are similar in nature and the sand is worth about Rs.3,000/- and the investigation is still pending.



4. Since the first petitioner, who is arrayed as A-4 is having two similar type of cases, this Court is not inclined to grant anticipatory bail to him. Accordingly, this Criminal Original Petition is dismissed in respect of the first petitioner/A-4.

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5. In respect of petitioners 2 and 3, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to them, with certain conditions. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.V, Tirunelveli and on each of them executing 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 learned Magistrate concerned and on further condition that each of the petitioners 2 and 3 shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

5. The petitioners 2 and 3 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

19/12/2016

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S.D.VENKATESH Advocate SR.No.82072.

ORDER

IN

CRL OP(MD) No.23479 of 2016

Date :19/12/2016