



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

Wednesday, the Ninth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10217 of 2017

ARUMUGA RAJA

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.526 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SUNDARAPANDIAN Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 379 of IPC, Section 4(1), 4(2), 21(2), 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.526 of 2017 on the file of the respondent Police, seeks anticipatory bail.

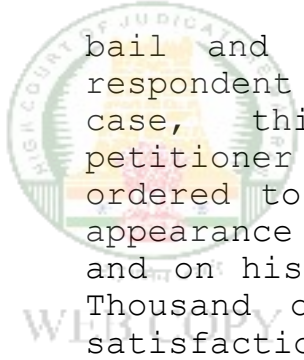
2.The case of the prosecution is that the petitioner is alleged to have transported one unit of river sand illegally by using vehicle TATA 407. On complainant a case has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is nothing to do with the alleged offence and he has been falsely implicated by the respondent police. He further submitted that the petitioner is the cleaner of the said vehicle and he has no bad antecedents.

4. The learned Additional Public Prosecutor appearing for the respondent Police on instructions would submit that there are totally 3 accused in this case and the petitioner herein is arrayed as A3 and A1 and A2 were already arrested and released on bail. He would further submit that A1 is the owner of the vehicle and the petitioner herein is the watcher, who watch the movements of the police during the occurrence. He further submitted that the vehicle along with sand was seized by the respondent police and he is not having any previous case and the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused was already released on



bail and that the vehicle along with sand was seized by the respondent police and that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Thirunelveli and on his 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 the petitioner shall appear before the respondent Police daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioner 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/-
09/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.28463

ORDER
IN
CRL OP(MD) No.10217 of 2017
Date :09/08/2017

MKV-CM-MSA-SAR 3/10.8.2017/2P-6C