



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

Friday, the Eleventh day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.10577 of 2017

SENTHIL

... PETITIONER/ACCUSED NO.1

Vs

STATE

THE INSPECTOR OF POLICE
KALAYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 325 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.KANNAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

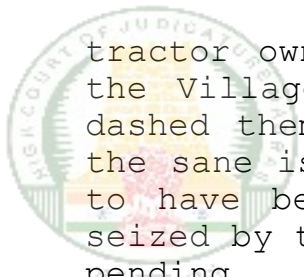
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 353, 379 and 506(ii) of IPC., and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.325 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the accused said to have illegally transported river sand through tractor owned by A1 and while the said tractor was intercepted by the Village Administrative Officer and his Assistant, the accused dashed them, but no injury was caused. The quantity and value of the same is not mentioned in the FIR itself. The tractor, which said to have been used for illegal transportation of the sand is not seized by the respondent police and the investigation is still pending.

3. The learned counsel appearing for the petitioner states that the petitioner brought the soil from the patta land from his personal domestic use. The petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. On the basis of the confession statement given by A2, who was arrested by the respondent on 05.08.2017, the petitioner's name was falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case and the petitioner herein is arrayed as A1 and A2 was arrested on 05.08.2017. He would further submit that the accused said to have illegally transported the river sand through a



tractor owned by A1 and while the said tractor was intercepted by the Village Administrative Officer and his Assistant, the accused dashed them, but no injury was caused. The quantity and value of the same is not mentioned in the FIR itself. The tractor, which is to have been used for illegal transportation of the sand is not seized by the respondent police so far and the investigation is still pending.

5. Considering the above facts and circumstances of the case and the vehicle and no one is sustained injury in the occurrence and the petitioner is not having any previous case of similar nature, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. 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, Sivagangai, on condition that the petitioner 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 the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

11/08/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
KALAYARKOIL POLICE STATION, SIVAGANGAI DISTRICT.

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

MPK

CSL/BS/SAR-IV/18.08.2017 : 2P/5C

ORDER

IN

CRL OP(MD) No.10577 of 2017

Date : 11/08/2017