



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

Thursday, the Seventeenth day of August Two Thousand Seventeen
PRESENT

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

CRL OP(MD) No.10725 of 2017

1 DURAIPANDI
2 AYYANAR

... PETITIONERS/ACCUSED NO.2 & 3

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
THIRUTHANGAL,
VIRUDHUNAGAR.
CRIME NO.527/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.P.SANKARAKUMARAKURUPARAN 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 :-

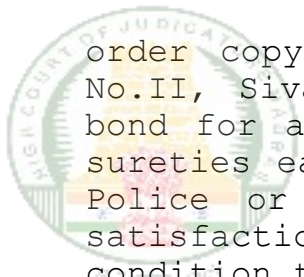
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.527 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the accused are said to have transferred one unit of river sand through tractor, which belongs to the 1st petitioner herein, who is the owner of the vehicle and the second petitioner is the load man. The tractor along with sand were seized by the respondent Police.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and on the basis of confession given by A1, they have been falsely implicated in this case. He further submitted that the petitioners have no previous case on the similar type of offence.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instructions would submit that totally there are 3 accused in this case and the petitioners are arrayed as A2 and A3 respectively. He further submitted that A1 was arrested and he is in judicial custody and the investigation is pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that tractor along with sand were seized by the respondent Police and the petitioners have no previous case on the similar type of offences, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the



order copy is made ready, before the learned Judicial Magistrate No.II, Sivakasi on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the learned Judicial Magistrate No.II, Sivakasi daily at 10.30 a.m. until further orders.

[b]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c]the petitioners shall not abscond either during investigation or trial.

[d]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)**.

sd/-
17/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION, THIRUTHANGAL, VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.P.SANKARAKUMARAKURUPARAN Advocate SR.No.28988
GNS
CSL/RR-BS/SAR-I/22.08.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.10725 of 2017
Date :17/08/2017