



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

Monday, the Fourth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.10777 of 2017

MADASAMY

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO. 279 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.AMARNATH 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/A1 who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 294(b), 353, 506(ii), 307 of IPC and Section 3(2) of TNPPDL Act in Crime No.279 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent/State.

3.The case of the prosecution is that the accused persons have illegally taking the river sand in TATA 407 Mini Lorry and when the police officials questioned the accused persons, they have replied that when the revenue officials themselves not interfering, what is the power for the police to intervene and also threatened them with dire consequences and the lorry driver tried to dash against the de-facto complainant when the police officials chased the lorry.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the respondent police.



5.The learned Additional Public Prosecutor appearing for the respondent would submit that the de-facto complainant on receiving a secret information that some persons are illegally taking river sand, he along with his subordinate went to the spot and found that the accused persons have illegally loading river sand in a TATA 407 Mini Lorry.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Kovilpatti, 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:

[a]the petitioner shall report before the respondent Police every Monday at 10.30 a.m. until further orders.

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

[c]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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)**.

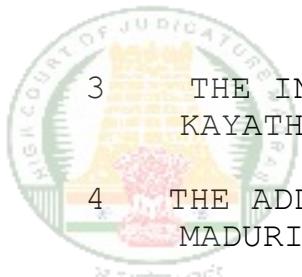
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04/09/2017

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI,
TUTICORIN DISTRICT



3 THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION, THOOTHUKUDI DT.

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

+1. CC to M/S.R.AMARNATH Advocate SR.No.30066

ORDER

IN

CRL OP (MD) No.10777 of 2017

Date :04/09/2017

MV:RR-BS:SAR1:15/09/2017/3P/6C