



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

Thursday, the Thirty First day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11204 of 2017

1 SEEVUGAN
2 MURUGESAN

... PETITIONERS / ACCUSED NO.1 & 7

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
(CR.NO.158 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.KARUNA 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 Section 379 of I.P.C read with Section 21(4) of Mines and Mineral Act in Crime No.158 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have transported sixty bags of river sand illegally by using TATA ACE van. On complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any such offence as alleged by the respondent police and his name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally seven named accused in this case and the petitioners herein are arrayed as A1 and A7 respectively. He further contended that A1 is the owner of the TATA ACE van and A2 is the labour, who is having land near Vengalikulam river bed. He further contended that A2 and A6 were already arrested and released on the bail by the learned Judicial Magistrate, Karaikudi and A2 and A3 are still in judicial



custody. He further contended that the vehicle along with sand was seized by the respondent Police and the petitioner is not having any previous case and the investigation is still pending.

5. Considering the facts and circumstances of the case also considering the fact that the vehicle along with sand was seized by the respondent police and that the petitioner is not having any previous case, I am inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Karaikudi, Sivagangai District 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, Karaikudi, Sivagangai District 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/-

31/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAIKUDI, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.KARUNA Advocate SR.No.29737

ORDER IN

CRL OP(MD) No.11204 of 2017

Date : 31/08/2017