



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

Thursday, the Thirty First day of August Two Thousand Seventeen

PRESENT

WEB COPY

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

CRL OP(MD) No.11379 of 2017

VALLINAYAGAM

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE
SRIVAICKUNDAM POLICE STATION, TUTICORIN DISTRICT.
CRIME NO.277/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.R.DURAI RAJ 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 offence punishable under Sections 147, 379 of IPC and Section 3 of TNPPDL Act, on the file of the respondent Police in Crime No.277 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that petitioner herein is an organizer to load the river sand illegally through lorry. On the date of occurrence, one unit of sand was illegally transported through a lorry. The said lorry was seized by the respondent police.

3.The learned counsel for the petitioner submitted that the petitioner is a load man and he has not involved any offences as alleged by the respondent police. He is an innocent police and he has no way connected with the alleged crime.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that in this case there is one named accused, who is the petitioner, arrayed as A1, and 10 others. During investigation A2 and A3 were arrested and other accused are still absconding. The petitioner is not having any previous case in the similar nature of offences. The Investigation is still pending.



5. Considering the facts and circumstances of the case and also taking note of the fact that lorry along with sand was seized by the respondent police and the petitioner is not having any previous case in the similar type of offences, 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, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Srivaikundam, 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 daily 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)**.

sd/-

31/08/2017

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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
SRIVAIKUNDAM, TUTICORIN, DISTRICT.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
CRIME NO.277/2017
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYA KARTHICK Advocate SR.No.29712

ORDER

IN

CRL OP(MD) No.11379 of 2017

Date : 31/08/2017