



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.11381 of 2017

1 MUTHUMUNIYANDI
2 BOOMINATHAN
3 GURUNATHAN

... PETITIONERS / ACCUSED Nos. A2 to A4

Vs

STATE REP BY
THE INSPECTOR OF POLICE
VALINOKKAM POLICE STATION,
RAMNAD DISTRICT.
CRIME NO. 49 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.MAHENDRAPATHY Advocate

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

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

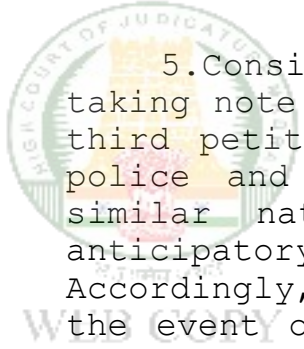
ORDER : The Court Made the following order :-

The petitioners apprehended arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC and Section 3(1) of TNPPDL Act in Crime No.49 of 2017, on the file of the respondent Police in Crime No.49 of 2017. Hence, they seek anticipatory bail.

2.The case of the prosecution is that the accused were said to have loaded each one unit of sand and the petitioners are said to have waited for the arrival of the lorries. The third petitioner herein is the owner of the vehicle and the said vehicle was seized by the respondent police.

3. The learned counsel for the petitioners submitted that the petitioners cleaned the Karuvella Tress in the pond and also Vandal sand.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 5 accused in this case and the petitioners herein are arrayed as A2 to A4 respectively. A1 was arrested and in custody. The petitioners 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 the vehicle in question is owned by the third petitioner herein and the same was seized by the respondent police and the petitioners are not having previous case in the similar nature of offences, this Court is 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, Mudhukulathur, 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 respondent Police 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,
MUDHUKULATHUR, RAMANATHAPURAM DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
VALINOKKAM POLICE STATION, RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.29705