



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

Monday, the Eighteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12121 of 2017

WEB COPY

1 DHARMARAJ
2 THANGARAJ

... PETITIONERS/ACCUSED A1 & A2

Vs

STATE THOUGH,
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
SIVAGIRI TALUK,
TIRUNELVELI DISTRICT.
CRIME NO.234 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.THILAGAR 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 :-

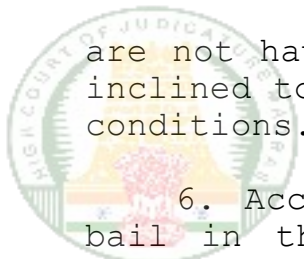
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC., in Crime No.234 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are driver of Tipper Lorries through which they have illegally quarrying and transporting 5 units of sand each in both tipper lorries.

3. The learned counsel appearing for the petitioners states that the petitioners are innocent and they have been falsely implicated in this case in order to achieve bad motive.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 2 named accused in this case, who are the petitioners herein, arrayed as A1 and A2 respectively and both the petitioners are driver of Tipper Lorries, through which they have illegally quarrying and transporting 5 units of sand each in both tipper lorries and on seeing the defacto complainant, both the petitioners ran away from the scene of occurrence. The said two lorries and sand were seized by the respondent Police and the petitioners are not having any previous case of similar nature of offence and the investigation is till pending.

5. Considering the above facts and circumstances of the case and also considering the fact that two tipper lorries, which are said to be used for illegal transportation of river sand along with sand were seized by the respondent Police and the petitioners



are not having any previous case of similar nature, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned District Munsif cum Judicial Magistrate, Sivagiri, Tirunelveli District, on condition that each 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 the petitioners shall report before respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
18/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE ,SIVAGIRI, TIRUNELVELI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE,TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE, SIVAGIRI POLICE STATION,
SIVAGIRI TALUK, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.M.THILAGAR Advocate SR.No.30906

ORDER
IN
CRL OP(MD) No.12121 of 2017
Date :18/09/2017

PK/CM-MSA/SAR-4/19.09.2017 : 2P/6C