



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.12157 of 2017

MURUGESAN

... PETITIONER / ACCUSED 1

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
S.P.PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 137 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI 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 :-

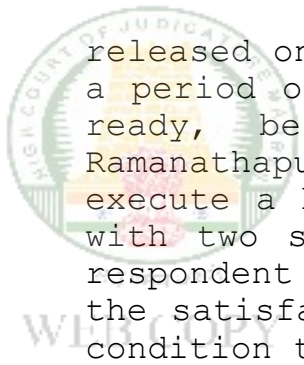
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 379 of IPC and 21(1) of Mines & Minerals (Development & Regulation) Act, 1967 in Crime No.137 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner is the owner of a tipper lorry, which is said to have used for transporting two units of river sand illegally and it was driven by A2.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged offence.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 2 accused in this case and the petitioner herein is arrayed as A1. He also submitted that A2 was arrested and remanded to judicial custody. He further submitted that tipper lorry along with sand was seized by the respondent Police and the petitioner is not having similar nature of previous cases and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that tipper lorry along with sand was seized by the respondent Police and the petitioner is not having similar nature of previous cases, 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, Thiruvadanai, Ramanathapuram District 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 learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District 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/-

18/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
S.P.PATTINAM POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.30959

ORDER

IN

CRL OP(MD) No.12157 of 2017

Date :18/09/2017