



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

Tuesday, the Nineteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12174 of 2017

WEB COPY

MUTHU @ MUTHUKUMAR

... PETITIONER/1stACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.371 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH 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 alleged offences punishable under Sections 147, 148, 294(b), 353, 506(ii) & 379 of IPC., r/w.Sections 21(1) & 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.371 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the accused said to have transported 3 units of river sand illegally in a Lorry bearing Registration No.TN-74-J-3747, which belonged to the petitioner herein and when the accused were asked to produce necessary permission slip, they scolded by using filthy language, threatened by showing a sickle and escaped. The lorry and sand were seized by the respondent Police.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. He also submitted that a false complaint was lodged against the petitioner with an ulterior motive.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 5 named accused in this case and the petitioner herein is arrayed as A1. The co-accused / A2, A4 & A5 were arrested and released on bail, as per the order in Cr.M.P(MD)No.8817 of 2017 and A3 was arrested and released on bail by the learned Judicial Magistrate, Nanguneri. He also submitted that the petitioner is not having any previous case of similar nature.



5. Considering the above facts and circumstances of the case and also considering the fact that the lorry along with sand were seized by the respondent Police and the petitioner is not having any previous case of similar nature, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Nanguneri, 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 the petitioner shall report before the learned Judicial Magistrate, Nanguneri daily at 10.30 a.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioner 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/-
19/09/2017

/ TRUE COPY /

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

TO

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.31011

ORDER
IN
CRL OP(MD) No.12174 of 2017
Date :19/09/2017

PK/CM-MSA/SAR-1/21.09.2017 : 2P/6C