



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.12179 of 2017

MUTHU @ MUTHUKUMAR

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION,TIRUNELVELI DISTRICT.
CR NO. 372/2017

... 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.

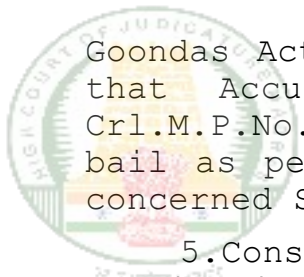
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 294(b), 353, 307, 506(ii) & 379 of IPC ., r/w Sections 21(1) & 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No. 372 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Village Administrative Officer. The lorry bearing Registration No.TN-74-J-3747 was intercepted by the V.A.O, which was used for transporting 3 Units of sand illegally and during that time the petitioner and other accused unlawfully prevented the V.A.O to perform his duties and no one sustained injury in this occurrence. The petitioner is the owner of the said lorry.

3.The learned Additional Public Prosecutor appearing for the respondent Police ,on instruction, would submit that there are totally 5 accused in this case and petitioner herein is arrayed as Accused No.1 and he is illegally transported 3 Unit of sand by lorry. The defacto complainant is a Village Administrative Officer. When he questioned about the accused and asked necessary documents for transporting the sand, the defacto complainant was abused with filthy language and threatened by the accused. A2 to A5 were arrested in this case and investigation is still pending. There is no previous case of similar nature of offence against the petitioner herein.

4.The learned counsel for the petitioner states that the petitioner is an innocent and he has not committed any offence as alleged by the respondent police. This false complaint was lodged with an ulterior motive. Only to detain the petitioner herein under



Goondas Act, this present complaint was lodged. He further states that Accused No.3 was released on bail as per order in Crl.M.P.No.4320 of 2017 and Accused Nos.2,4 and 5 were released on bail as per order in Crl.M.P.No.4321 of 2017 on 18.09.2017 by the concerned Sessions Court.

5.Considering the facts and circumstances of the case and considering the fact that co-accused were granted bail by the concerned Sessions Court and the petitioner is not having any previous case of similar nature of offence and the lorry along with sand were seized by the respondent police and no one sustained injury in this case. 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 , 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:

[a]the petitioner shall report before the learned Judicial Magistrate, Nanguneri 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/-
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.
 - 2 DO THROUGH 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.31009

ORDER IN
CRL OP(MD) No.12179 of 2017
Date :19/09/2017