



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13283 of 2017

1 ARUMUGAM,
2 LAXMANAN,

... PETITIONERS/ACCUSED 2 & 3

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.325 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.VENKATESH Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

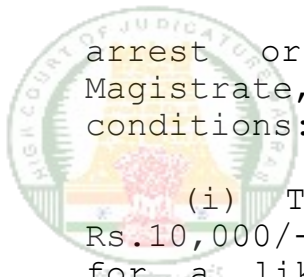
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 (sand theft) of I.P.C., seek anticipatory bail.

2.The case of the prosecution is that while the respondent police was on patrol duty, they intercepted the vehicle, which was illegally transported three bags of sand, without any valid permit. On complaint, case has been registered for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor submitted that while the respondent police was on patrol duty, the petitioners were found in possession of three bags of sand and the investigation is pending. He further submitted that there is no previous case against the petitioners.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail at the event of their



arrest or on their appearance before the learned Judicial Magistrate, Valliyoor subject to the following stringent conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Valliyoor, and

(ii) The petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of one week;

(iii) The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-
28/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
VALLIYOOR 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.31884

ORDER
IN
CRL OP(MD) No.13283 of 2017
Date :28/09/2017

SMA/PM-PN/SAR-3/03.10.2017:2P/6C