



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.13352 of 2017

M.MURUGAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
CRIME NO.289 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.J.CHAKKARAVARTHY 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 petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 read with Section 21(1) of Mines and Minerals Development and Regulation Act, 1957, in Crime No.289 of 2017, seeks anticipatory bail.

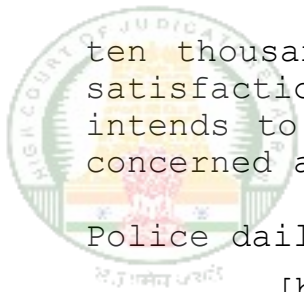
2.The case of the prosecution is that while the respondent police was in usual check up, they found that the petitioner illegally transported three units of river sand.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police, on instructions would submit that the petitioner was illegally transported three units of river sand and no similar type of case is pending against the petitioner before this Court. He further submitted that investigation is still pending.

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 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, Aruppukottai, Virudhunagar 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 respondent Police 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/-

28/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION, THIRUCHULI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to MR.S.J.CHAKKARAVARTHY Advocate SR.No.31888

JAM/03.10.17/PM-PN/SAR 4 / 2P-6C

ORDER

IN

CRL OP(MD) No.13352 of 2017

Date :28/09/2017