



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.13405 of 2017

1 K.SARAVANAN

2 N.KALIYAMOORTHY

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.

CRIME NO.400 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.V.NAGENTHRAN 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 :-

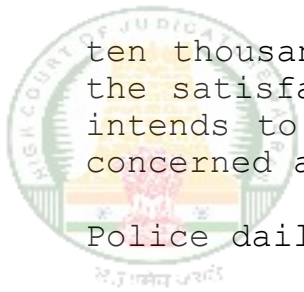
The petitioners/accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of I.P.C., and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.400 of 2017, seek anticipatory bail.

2.The case of the prosecution is that while the respondent police was on usual vehicle check up, they found that the petitioners illegally transported two units of river sand.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons 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 appearing for the respondent Police, on instructions would submit that the petitioners were illegally transported two units of river sand. 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 petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Musiri, Trichy District, on condition that 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 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 petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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,
MUSIRI, TRICHY DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT

3 THE SUB INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.N.V.NAGENTHRAN Advocate SR.No.31859

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

ORDER

IN

CRL OP(MD) No.13405 of 2017

Date :28/09/2017