



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

Friday, the Twentieth day of October Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.13999 of 2017

1 ANNADURAI  
2 SHANMUGAIAH  
3 KARTHICK @ SEENIVASAN ... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REPRESENTED BY  
THE SUB INSPECTOR OF POLICE  
SAMBAVARVADAKARAI POLICE STATION,  
TIRUNELVELI DISTRICT.  
CR NO. 205/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.SUNDARAPANDIAN Advocate

For Respondent : MR.K.ANBARASAN Government Advocate ( Crl. Side)

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

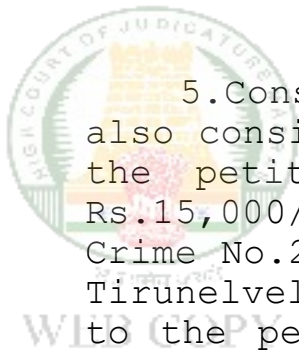
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., in Crime No.205 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 11.10.2017 the petitioners and others illegally transported river sand without valid licence and the same was seized by the respondent police and registered a case against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by prosecution. However, he agrees to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the Credit of Crime No.205 of 2017 before the Judicial Magistrate, Senkottai, Tirunelveli District, without prejudice their defence before the trial Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that investigation is pending in this case.



5.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioners that the petitioners would pay a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.205 of 2017 before the Judicial Magistrate, Senkottai, Tirunelveli District, 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, Senkottai, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 petitioners are directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.205 of 2017 before the Judicial Magistrate, Senkottai, Tirunelveli District, without prejudice their defence before the trial Court and thereafter the learned Magistrate shall accept the sureties furnished by the petitioners.

[b] the petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

(e) the petitioners shall not commit any offence while on bail;

(f) 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 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/-

20/10/2017

/ TRUE COPY /



msa/vsa

TO

1 THE JUDICIAL MAGISTRATE  
SENKOTTAI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE  
SAMBAVARVADAKARAI POLICE STATION,  
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.32901

GJM/CM/MSA/SAR-I-20.10.17-3P-6C

ORDER

IN

CRL OP(MD) No.13999 of 2017

Date :20/10/2017