



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

Friday, the Seventeenth day of February Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP(MD) No.1723 of 2017

1 JAGADEESAN,
2 SARAVANAKUMAR @ EYAN,

... PETITIONER/ ACCUSED 1 & 5

Vs

STATE, REP BY
THE INSPECTOR OF POLICE, APPANAICKENPATTI
POLICE STATION, VIRUDHUNAGAR DIST.
(CRIME NO.17 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S D.RAMESHKUMAR Advocate

For Respondent :MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

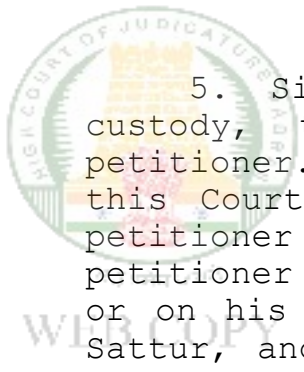
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 5, in Crime No.17/2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC, 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and hence, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the respondent/State.

3.The learned Government Advocate(Crl. Side) on instructions submitted that totally there are five accused in this case and the petitioners herein are arrayed as A-1 and A-5 and the first accused was arrested and he is in judicial custody. The first accused is the owner of the tractor cum trailer which was used to transport ½ unit of sand illegally worth about Rs.500/-. The second and fifth accused are labourers in this case and the second petitioner has no previous case in similar type of offences.

4. The learned counsel for the petitioners submitted that he is withdrawing the application in respect of the first petitioner/A4 since he was arrested and he is in custody as stated by the prosecution. He would further submit that the second petitioner has never committed any offence as alleged by the respondent police and he is implicated for statistical purpose and the present complaint has been falsely lodged against the second petitioner.



5. Since the first petitioner/A1 was arrested and he is in custody, this petition is dismissed as against the first petitioner. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Sattur, and on executing 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 learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police daily at 10.30 until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-
17/02/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, SATTUR.
2. DO-THROUGH CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE, APPANAICKENPATTI
POLICE STATION, VIRUDHUNAGAR DIST.
4. ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S D.RAMESHKUMAR Advocate SR.No.9147

ORDER
IN
CRL OP(MD) No.1723 of 2017
Date :17/02/2017

CM
MS/PM.PN/20.2.2017/2P.6C