



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.17987 of 2017

1 R. JEYARAJ
2 K. KARUPPIAH

... PETITIONERS/ACCUSED Nos.1&3

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.809/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.G.MARIMUTHU 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 :-

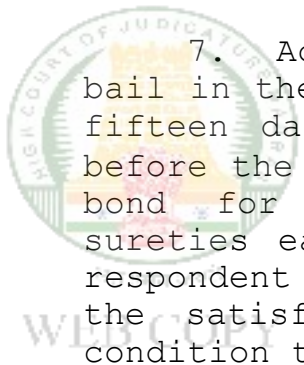
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC and 21(1) of Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.809 of 2017 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have indulged in illegal transportation of half unit of sand in the Tractor. The vehicle has been seized.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

5. Learned Government Advocate (Crl. Side) would submit that the petitioners have no previous case.

6. Considering the facts and circumstances of the case and taking note of the fact that the quantity is minimal and the petitioners are having no previous case, this Court is inclined to grant anticipatory bail to the petitioners.



7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate II, Sivakasi, on their 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 respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[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 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/-

28/12/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT
AT SRIVILLIPUTHU
- 3 THE SUB INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.37122

ORDER

IN

CRL OP (MD) No.17987 of 2017

Date :28/12/2017