



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18042 of 2017

1 ARUMUGAM

2 THANGAPANDI

... PETITIONERS/ ACCUSED RANK 1&2

Vs

STATE REPRESENTED BY

THE INSPECTOR OF POLICE

THIRUPADAIMARUTHUR POLICE STATION,

TIRUNELVELI DISTRICT,

(CRIME NO.344/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.VENKATESAN 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 offence punishable under Sections 379 IPC in Crime No.344 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 have loaded 1/4 unit of sand in Bullock Cart and on seeing the respondent police, the petitioners escaped from the place of occurrence.

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

4. Learned Government Advocate (Crl. Side) would submit that the 1st petitioner has no previous case and 2nd petitioner is having one previous case.

5. Considering the facts and circumstances of the case and taking note of the fact that the quantity is minimal and the 1st petitioner has no previous case, this Court is inclined to grant anticipatory bail to the 1st petitioner. However, considering the fact that 2nd petitioner is having one previous case, this Court is



not inclined to grant anticipatory bail to him.

6. Accordingly, the petition stands dismissed in respect of 2nd petitioner and the 1st petitioner is 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, Cheranmahadevi, 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 1st petitioner shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the credit of Crime No.344 of 2017 before the learned Judicial Magistrate, Cheranmahadevi;

[b] the 1st petitioner 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.

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st petitioner shall not abscond either during investigation or trial.

[e] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner 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 /

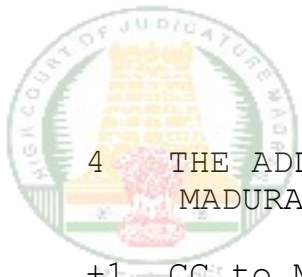
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI,
TIRUNELVELI DISTRICT

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
THIRUPADAIMARUTHUR POLICE STATION,
TIRUNELVELI DISTRICT



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

+1. CC to M/S.R.VENKATESAN Advocate SR.No.37090

WEB COPY

ORDER

IN

CRL OP(MD) No.18042 of 2017

Date :28/12/2017

rmi

SH/RR/SAR-3:02.01.2018:3P/6C