



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.18044 of 2017

1 ARUNTHIRUMALAI
2 BALAMURUGAN

... PETITIONERS/ ACCUSED NO.2 & 3
Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
ERAL POLICE STATION, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
(CRIME NO. 385 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.P.MUTHUPANDI, Advocate
For Respondent : M/S.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.385 of 2017 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

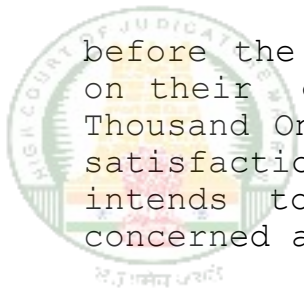
2. The case of the prosecution is that the petitioners along with 3 others have illegally transported river sand through a 407 mini lorry and a two-wheeler and when the respondent police tried to intercept them, the petitioners escaped leaving the vehicle at the middle of the river.

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 petitioners have no previous cases.

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

6. 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, Srivaikundam, Thoothukudi District, on their executing 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 Magistrate concerned and on further condition that:

[a] the petitioners shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) each to the credit of Crime No.385 of 2017 before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District.

[b] 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.

[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] 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, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE SUB INSPECTOR OF POLICE,
ERAI POLICE STATION, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18044 of 2017
Date :28/12/2017