



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

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.5414 of 2017

1 DHANAPAL
2 SOLAIMALAI

... PETITIONERS/ACCUSED NO.1 & 3

Vs

THE STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.90 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

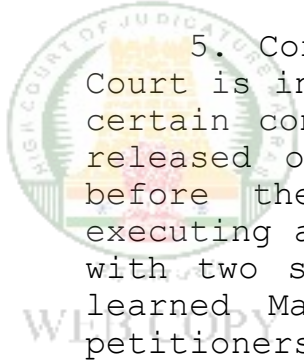
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 in Crime No.90 of 2017 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w Section 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 counsel for the petitioners submitted that the petitioners along with the other accused area alleged to have illegally taken 3 units of white gravel by using JCB machine and Tipper Lorry. The first petitioner is the owner of the JCB machine and the third petitioner is the owner of the Tipper lorry involved in this case. For the purpose of doing agriculture, the 1st petitioner was removing unwanted stones from the land belonging to the second petitioner. The petitioners are innocent. They have not committed any offence as alleged in the complaint. They have been falsely implicated in this case.

4.The learned Government Advocate appearing for the respondent / Police submitted that there is no previous case against the petitioners. A2 and A4 were arrested and remanded. The investigation is pending.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sivakasi and on each 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 petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-
28/04/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE,
MARANERI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.21755

GCG
CSL/PM-PN/SAR-II/28.04.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.5414 of 2017
Date : 28/04/2017