



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

Thursday, the Fourth day of May Two Thousand Seventeen

PRESENT

WEB COPY

The Hon`ble Mr.Justice N.AUTHINATHAN

CRL OP(MD) No.5630 of 2017

ESWARAN,

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE,
SATHUR TALUK POLICE STATION, SATHUR,
VIRUDHUNAGAR DIST. CRIME NO.130 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. P. KALAIYARASI BHARATHI Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 371 IPC and Section 21(1) of Mines and Minerals Act in Crime No.130 of 2017 on the file of the respondent police, seeks anticipatory bail.

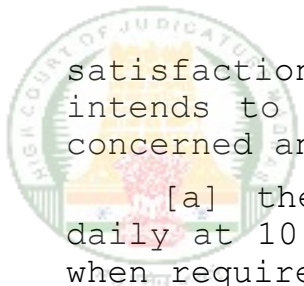
2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3.It is alleged that the petitioner indulged in theft of sand and the complainant is the Special Sub-Inspector of Police.

4.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner for statistic purpose and that anticipatory bail may be granted to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that no previous case is pending against the petitioner.

5.Having regard to the fact that the defacto complainant is a Special Sub-Inspector of Police, question of tampering with the evidence does not arise and the antecedents are not reported to be bad, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Sathur on condition that the petitioner shall execute 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 learned Magistrate concerned and on further condition that:

[a] the 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.

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

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned 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/-

04/05/2017

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

TO

1 THE JUDICIAL MAGISTRATE NO II
SATTUR,
VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
SATHUR TALUK POLICE STATION,
SATHUR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S. P. KALAIYARASI BHARATHI Advocate SR.No.21899

ORDER

IN

CRL OP(MD) No.5630 of 2017

Date :04/05/2017