



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

Thursday, the Eighteenth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.5893 of 2017

1 GANESAN
2 SELVAM

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY,
THE SUB-INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 292/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU Advocate

For Respondent : MR.BALASUBRAMANIAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

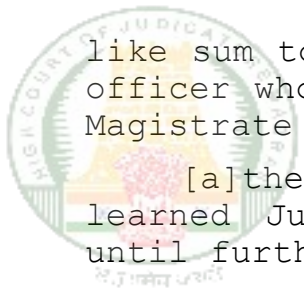
The petitioners / accused nos.1 & 2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 r/w 4(1) (1-A) and 21(1) of Mines and Minerals Development Act, 1957 in Crime No.292 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent Police.

3.The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they are innocent and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that investigation is yet to be completed and hence, he opposed for granting anticipatory bail.

5.Considering the facts and circumstances of the case and considering the gravity of offence said to have been committed by the petitioners, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made available to the learned Judicial Magistrate, Rajapalayam on condition that the petitioners 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 petitioners shall stay at Madurai and report before the learned Judicial Magistrate, No.V, Madurai, daily at 10.30 a.m. until further orders.

[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 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/-
18/05/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
- 2 THE JUDICIAL MAGISTRATE NO.V, MADURAI.
- 3 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 4 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 5 THE SUB-INSPECTOR OF POLICE,
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.MARIMUTHU Advocate SR.No.22430

ORDER
IN
CRL OP(MD) No.5893 of 2017
Date :18/05/2017