



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

Monday, the Third day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8281 of 2017

DHARMAN @ DHARMALINGAM

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY,
THE SUB-INSPECTOR OF POLICE
THOTTIYAM POLICE STATION,
TRICHY DISTRICT
CRIME NO. 275 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.VADIVELAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

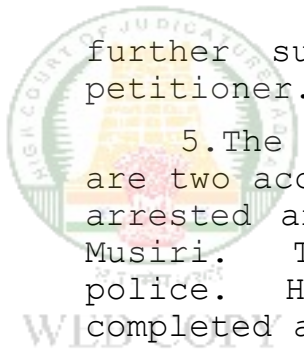
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379, 294(b), 353 and 506 (i) of IPC and r/w Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.275 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

3.The case of the prosecution is that the de-facto complainant has conducted surprise visit on 28.06.2016, in which, the accused No.2, who is the driver of the lorry, has given confession statement that the petitioner is the owner of the sand, which was illegally quarried and transported, and the accused No.2 was purchased the sand from the petitioner. Based on the confession statement, the petitioner has been implicated in this case.

<https://hcservices.ecourts.gov.in/hcservices/> 4.The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he is innocent and he has been falsely implicated in this case. He



further submitted that there is no previous case against the petitioner.

5.The learned Additional Public Prosecutor submitted that there are two accused in this case and the petitioner arrayed as A1 and A2 arrested and released on bail by the learned Judicial Magistrate, Musiri. The lorry along with sand was seized by the respondent police. He further submitted that the investigation is yet to be completed and hence, he opposed for granting anticipatory bail.

6.Considering the facts and circumstances of the case and considering the fact that the lorry along with sand was seized by the respondent police and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate, Musiri and on his 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 petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate, within a period of three weeks from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,MUSIRI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE SUB-INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.VADIVELAN Advocate SR.No.25762
DAS/SKN
CSL/RR-BS/SAR-II/05.07.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.8281 of 2017
Date :03/07/2017