



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8550 of 2017

SURESH

... PETITIONER / ACCUSED NO.6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, SIVAGIRI,
TIRUNELVELI DT.
(CRIME NO.154/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. S.A. GANAPATHYRAMAN 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 :-

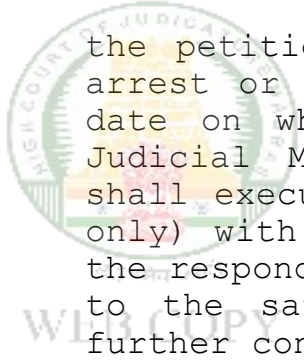
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 of IPC in Crime No.154 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that all the accused are said to have illegally transported river sand in a bullock cart without obtaining any licence or permission.

3.The learned counsel for the petitioner submitted that the petitioner is not having any bullock cart and he did not involve or commit any offence as alleged by the prosecution. He also submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that A1 to A4 were arrested and released on bail by the concerned Judicial Magistrate in Crl.M.P.(MD)No.2925 of 2017 and bail petition moved by A5 and A7 were dismissed by the concerned Judicial Magistrate in Crl.M.P.No.2924 of 2017.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 7 accused and the petitioner is arrayed as A6 in this case. He also submitted that the bullock carts with the sand were seized by the respondent police and investigation still pending.

5.On considering the facts and circumstances of the case and also taking note of the fact that the properties were seized, I am 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Sivagiri, 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 3 weeks.

[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/-

07/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION, SIVAGIRI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. S.A. GANAPATHYRAMAN Advocate SR.No.64230

ORDER

IN

CRL OP(MD) No.8550 of 2017

Date :07/07/2017

MKV-PM-PN-SAR 4/13.7.2017/2P-6C