



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

Monday, the Tenth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.8664 of 2017

1 SELVAKUMAR @ OOSI
2 MURUGAN

... PETITIONER / ACCUSED NO.A1 & A2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
TOWN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
CRIME NO.410 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.MAHALINGAM Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

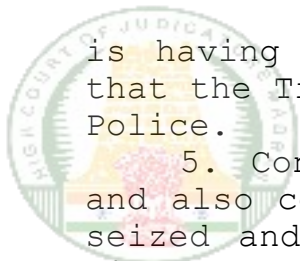
ORDER : The Court Made the following order :-

The petitioners/A1&A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 307 & 379 of IPC., and Section 21(1) of Mines Minerals (Development and Regulation) Act, 1957 and r/w Section 3 of TNPPDL Act, in Crime No.410 of 2017, seek anticipatory bail.

2. The case of the prosecution is that A1 is the owner of Tractor and A2 is the driver of Tractor, at the time of occurrence and the Tractor is used to transport river sand illegally and on 25.06.2017, while the Police team tried to intercept the said Tractor one Police man got injured in the occurrence.

3. The learned counsel appearing for the petitioners states that the petitioners are innocent and they are nothing todo with the alleged offence and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case, who are the petitioners herein. He would further submit that A1 is the owner of Tractor and A2 is the driver of the Tractor, at the time of occurrence and the Tractor is used to transport river sand illegally and on 25.06.2017, while the Police team tried to intercept the said Tractor one Police man got injured in the occurrence. A2 has jumped out from the Tractor and he also sustained injuries. The injured Police man was discharged from the hospital. A2 is taking treatment for his injuries and the investigation is still pending. A1 is still absconding in this case and he is having 3 previous cases of similar type of offences and A2



is having one case of similar type of offence. He also submitted that the Tractor along with river sand were seized by the respondent Police.

5. Considering the above facts and circumstances of the case and also considering the fact that the Tractor with river sand were seized and one of the Police man was injured and the injured was discharged from the hospital, this Court is inclined to grant bail only to the second petitioner / A2, with certain conditions.

6. Accordingly, the second petitioner / A2 is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that the second 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 the second petitioner/A2 shall report before learned Judicial Magistrate No.II, Srivilliputhur, daily at 10.30 a.m., until further orders. The 2nd petitioner/A2 shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

7. The 2nd petitioner/ A2 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

8. Insofar as the first petitioner / A1 is concerned, according to the prosecution, he is having three previous cases of similar offences, this Court is not inclined to grant bail to the first petitioner / A1, at this stage. Hence, the Criminal Original Petition stands dismissed in respect of A1.

sd/-

10/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MAHALINGAM Advocate SR.No.26208

ORDER

IN

CRL OP(MD) No.8664 of 2017

Date :10/07/2017