



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

Monday, the Thirty First day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) No.9371 of 2017

1 SATHIYAMOORTHY

2 SATHISH @ SATHISH KUMAR ... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
SIKKAL POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
CRIME NO.71 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI 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, who are arrayed as accused, rank not known, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 465, 379 and 511 I.P.C., r/w Section 3(1) of TNPPDL Act, in Crime No.71 of 2017 on the file of the respondent police and hence, seek anticipatory bail.

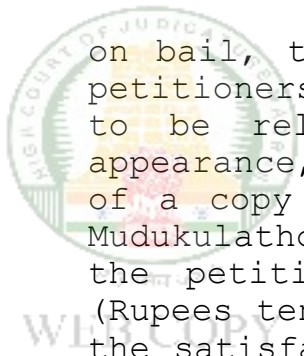
2.The case of the prosecution is that the petitioners have illegally taken sand in Survey No.323/1 and damaged public property.

3.The learned counsel for the petitioners submitted that the petitioners are taking sand from the patta land and at that time, the respondent registered a case against the petitioners and they have not damaged any public property. It is also submitted that co-accused viz., A3 to A5 were already released on bail.

4.The learned Additional Public Prosecutor submitted that investigation is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also considering the fact that co-accused have already been released



on bail, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mudukulathoor, Ramanathapuram District, on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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/-

31/07/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, MUDUKULATHOOR, RAMANATHAPURAM DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
SIKKAL POLICE STATION, RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.27629
MJ/KM
CSL/RR-BS/SAR-I/03.08.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.9371 of 2017

Date : 31/07/2017