



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

Friday, the Twenty Eighth day of July Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9794 of 2017

1 SANTHAKUMAR
2 GANESAN
S/O.LINGASAMY
3 GANESAN
S/O.DURAIRAJ

... PETITIONERS / ACCUSED 1 to 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.154/2017

... RESPONDENT

For Petitioner : Mr.S.SENTHIL SANKARA NATHA KUMAR Advocate

For Respondent : Mr.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

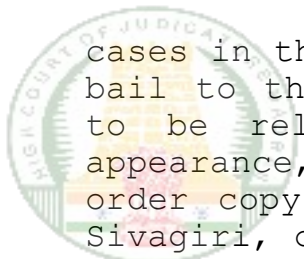
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 353, 379 and 506(ii) IPC in Crime No.154 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused have illegally transported 30 "satti" of river sand in a Tractor bearing registration No.TN76 B 1500.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 4 accused and the petitioners are arrayed as A3, A2 and A4 respectively. He also submitted that A1 was arrested and enlarged on bail by the concerned Judicial Magistrate, Sivagiri. He also submitted that the sand along with vehicles were seized by the respondent police and two previous case is pending against the 2nd petitioner for similar type of offence and investigation is pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that alleged sand and vehicle were seized by the respondent Police and the 2nd petitioner is having 2 previous



cases in the year 2013 and 2016, 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 ready, before the learned Judicial Magistrate, Sivagiri, 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 report before the respondent Police 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)**.

[e]the 2nd petitioner is directed to deposit a sum of Rs.800/- to the credit of Crime No.154 of 2017.

sd/-
28/07/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.S.SENTHIL SANKARA NATHA KUMAR Advocate SR.No.27499

JAM/03.08.17/RR-BS/SAR 3 2P-6C

ORDER IN
CRL OP(MD) No.9794 of 2017
Date :28/07/2017