



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

Wednesday, the Sixteenth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.9803 of 2017

NAPOLEON

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP BY
THE INSPECTOR OF POLICE
APPAYANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(*) (CRIME NO.69/2017)

... RESPONDENT / COMPLAINANT

**(*)AMENDED AS PER ORDER OF THIS HON'BLE
COURT MADE IN CRL MP(MD)No.7389/2017 IN
CRL OP(MD) NO.9803/2017 DATED 16.08.2017
BY AMBAJ**

For Petitioner : M/S.P.SARAVANAKUMAR Advocate

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

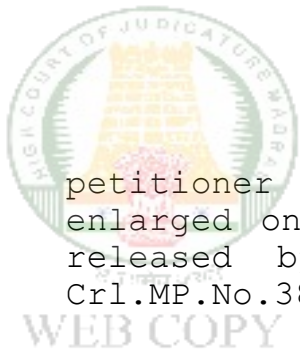
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals Act in Crime No.69 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 5 units of river sand worth about Rs.4,000/-through lorry.

<https://hcservicesSecurities.gov.in/hcservices/> Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner never committed any such offence as alleged by the prosecution. He also submitted that earlier a false case was registered against the



petitioner for the very same offence, in which, the petitioner was enlarged on bail by this Court the said vehicle was ordered to be released by the learned Judicial Magistrate No.II, Sattur in CrI.MP.No.3833 of 2017 under Section 451 of Cr.P.C.

4.He further submitted that the petitioner requested to hand over the vehicle from the Inspector of Police, Ammapatti Police Station, however, he refused to hand over the said vehicle and informed the petitioner that yet another case has been registered by the respondent Police. Moreover, JCB vehicle alleged to have been involved in this case has not been seized from the occurrence place and it was taken from the petitioner's house. The learned counsel for the petitioner voluntarily agrees to deposit a sum of Rs.4,000/- to the credit of Crime No.69 of 2017 on the file of Judicial Magistrate No.II, Sattur.

5.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused in this case and the petitioner herein is arrayed as A1. He further submitted that A2 & A3 were granted anticipatory bail by this Court in CrI.O.P.(MD)No.9974 of 2017. He further submitted that the petitioner is having 4 similar type of previous cases and he is the owner of the lorry which is said to be used for transportation of river sand illegally and the said lorry along with sand were seized by the respondent Police. He also submitted that investigation is still pending.

6.Considering the facts and circumstances of the case, 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 No.II, Sattur 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:

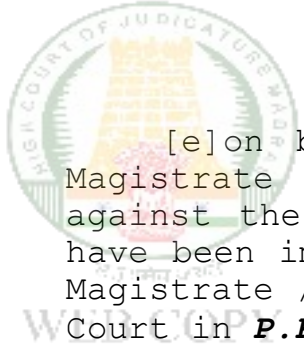
[a]the petitioner shall report before the learned Judicial Magistrate No.II, Sattur daily at 10.30 a.m. until further orders.

[b]the petitioner is directed to deposit a sum of Rs.4,000/- to the credit of Crime No.69 of 2017 on the file of Judicial Magistrate No.II, Sattur.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d]the petitioner shall not abscond either during investigation or trial.



[e]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/-

16/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II
SATTUR, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT
- 3 THE INSPECTOR OF POLICE
APPAYANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP(MD) No.9803 of 2017

Date :16/08/2017

GNS

SVA/BS/RR/23.08.2017/SAR4/2P.5C