



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

Monday, the Ninth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.5451 of 2018

1 RAJAN
2 CHRISTOPHER
3 DEVAIRAKKAM

... PETITIONERS/ACCUSED Nos.1 to 3

Vs

THE SUB INSPECTOR OF POLICE,
UVARI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.43/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.C.RATHNAVEL PANDIAN, Advocate

For Respondent : M/S.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 I.P.C., in Crime No.43 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 20.03.2018, based on secret information, the respondent police visited the place of occurrence, wherein, the petitioners are trying to take sand without any valid permission. Hence, the case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that the property in question has been recovered. It is further submitted that four previous cases are registered against the third petitioner/A3 herein.



5. Taking note of the fact that there are four previous cases are pending against the third petitioner/A3, this Court is not inclined to grant anticipatory bail to the third petitioner. In respect of first and second petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the first and second petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Valliyoor, and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first and second petitioners shall appear before the respondent police as and when required for interrogation. The first and second petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6. The first and second petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

09/04/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.J.C.RATHNAVEL PANDIAN Advocate SR.No.5738

ORDER

IN

CRL OP(MD) No.5451 of 2018

Date : 09/04/2018

PK/CM-VR/RNB/12.04.2018 : 2P/6C