



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

Wednesday, the Eleventh day of April Two Thousand and Eighteen

PRESENT

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

CRL OP(MD) No.5731 of 2018

1 JEGAN

2 PRITHIVI RAJ

... PETITIONER / ACCUSED No.1 & 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 109/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

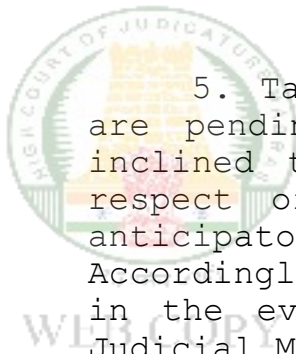
ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 (Sand) I.P.C., in Crime No.109 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant went on usual ride and found a 407 Tempo Van bearing Regn.No.TN-74-A-9898 was loaded with one unit of sand worth about Rs.1,000/- without any valid permission and on seeing the respondent, the petitioners escaped from the scene of occurrence. Hence, the case has been registered for the above said offence.

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 two previous cases were registered against the first petitioner/A1 herein and that there is no previous case registered against the second petitioner/A2 herein.



5. Taking note of the fact that there are two previous cases are pending against the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner. In respect of second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Valliyoor, and on executing 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 learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The second petitioner 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/-
11/04/2018

/ 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 INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.D.VENKATESH, Advocate SR.No.5917.

ORDER
IN
CRL OP(MD) No.5731 of 2018
Date :11/04/2018