



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

Thursday, the Twelfth day of April Two Thousand and Eighteen

PRESENT

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

CRL OP (MD) No.5848 of 2018

1 THANGAVEL
2 SANKAR
3 SARAVANAN
4 SEBASTHIYAN AROCKIYAM ... PETITIONERS / ACCUSED No.1 to 4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT,
IN CR NO. 89 OF 2018. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR Advocate

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

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

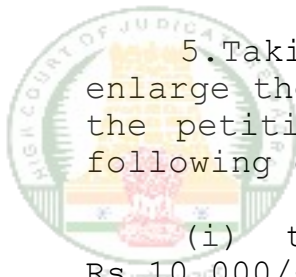
ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos. 1 to 4. They were arrested and remanded to judicial custody on 28.03.2018, for the offences punishable under Sections 294(b), 353, 307 and 379 I.P.C., r/w. 21(3) Mines and Minerals Act, 1957 in Crime No.89 of 2018, on the file of the respondent police. They seek bail.

2.The petitioner herein are the drivers and they had taken sand and loaded in a tipper lorry.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) submitted that there are no previous case against the petitioners and that the property in question has been recovered.



5. Taking note of all these aspects, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioners shall execute 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 Judicial Magistrate No.1, Kulithalai.

(ii) the petitioners are directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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/-
12/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KULITHALAI, KARUR.
 - 2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
THOGAMALAI POLICE STATION,
KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.6049.

ORDER
IN
CRL OP(MD) No.5848 of 2018
Date :12/04/2018