



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17499 of 2017

1 MURUGAN
2 D.JOHNRAJ

... PETITIONERS / ACCUSED NO.2 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.480/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.SUDALAIYANDI 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 :-

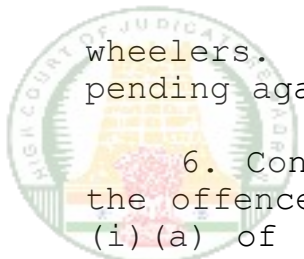
Heard both sides.

2. The petitioners are arrayed as A-2 and A4 in Crime No.480 of 2017 of Kalakkadu Police Station. They apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 353, 307, 379 and 506(i) IPC and Section 2(i)(a) of Tamil Nadu Mines and Minerals Development and Regulation Act 1957, they have filed this petition, in which they seeking the relief of anticipatory bail.

3. The case of the prosecution is that on 12.12.2017 at about 5.30 a.m. the petitioners herein along with the accused Nos.1 and 3 have illegally taken away 80 bags of river sand by using their two wheelers and attempted to commit murder of the de-facto complainant by using their two wheelers.

4. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that each petitioner have taken 80 bags of river sand through their two



wheelers. He further submitted that there is no previous case pending against the petitioners.

6. Considering the submissions on either side, it appears that the offence u/s 294(b), 353, 307, 379 and 506(i) IPC and Section 2 (i)(a) of Tamil Nadu Mines and Minerals Development and Regulation Act 1957, has been registered against the petitioners. On go through the facts of the case during the time of alleged occurrence, the petitioners and other persons threatened the police officer and also tried to kill them. As per the First Information Report, the offence was happened when at the time, the petitioners have committed sand theft. Eventhough the petitioners are the first offender, considering the gravity of the offence, custodial interrogation is necessary for completing investigation.

7. In the above said circumstances, this Court come to the conclusion that in order to complete the investigation, custodial interrogation is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioners/A2 and A4. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

03/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17499 of 2017

Date :03/01/2018

MKV-PM-PN-SAR 2/8.1.2018/2P-3C