



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7612 of 2018

1 PONNUPANDI
2 SABARI MANIKANDAN
3 RAJAPANDI ... PETITIONERS / ACCUSED (rank not known)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT, CR.NO.83/2018. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate
For Respondent : M/S.M.ASOKAN, Govt. Advocate

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

ORDER : The Court Made the following order :-

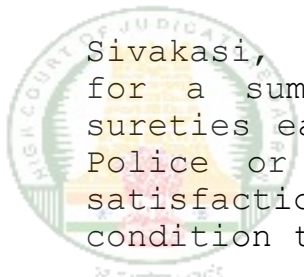
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 of I.P.C and Section 21(A) of Tamil Nadu Mines and Minerals Act, in Crime No.83 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 01.05.2018, the petitioners are said to have transported sand worth about Rs.1,000/- in a Tractor bearing Regn. No.TN 31-BT 4255 and the driver of the tractor is said to have absconded from the spot.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that the tractor has been recovered. He would further submit that there is no previous case against the petitioners.

5.Considering the facts and circumstances of the case and also taking note of the fact that there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court II,



Sivakasi, on condition that the petitioners 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 petitioners shall report before the respondent police daily, at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, the learned 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 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/-
03/05/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUTHUNAGAR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.8133.

ORDER
IN
CRL OP(MD) No.7612 of 2018
Date : 03/05/2018