



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

Wednesday, the Ninth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7640 of 2018

1 M. GAJENDRAN

2 K. SATHEESHKUMAR

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY

THE INSPECTOR OF POLICE

SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT,

CRIME NO.163/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.S.VAIGUNTH Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI

Govt. Advocate (Crl. Side)

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 Sections 294(b), 353, 379 and 506(i) IPC in Crime No.163 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have illegally transported half unit of river sand by using tractor. Hence, the present complaint has been registered against the petitioners

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their name have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police on instructions would submit that the property was not yet recovered and the investigation is still pending.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with some stringent conditions. 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,



Sivagiri, on condition that the each of 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 deposit a sum of Rs.10,000/-(Rupees Ten Thousand Only) to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to their defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

[e]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/-
09/05/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TIRUNELVELI DISTRICT,

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT,

3 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT,

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

5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST FUND, TIRUNELVELI DISTRICT,

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.8244

GNS/TRP

JAM/11/05/2018/ PN/ASVM /2P-7C