



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.22827 of 2018

AZHAGAR

... PETITIONER / ACCUSED No.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KALAIYARKOVIL POLICE STATION,
KALAIYARKOVIL,
SIVAGANGAI DISTRICT
Crime No.410/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.ANANTHA MURUGAN Advocate

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

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

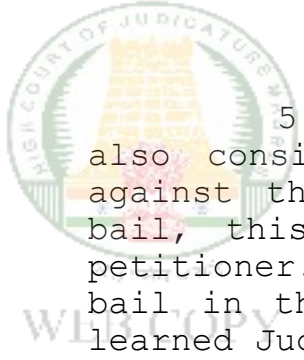
ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 379, 506(ii) IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.410 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused took gravel from Pudukudiruppu Kanmai by using JCB.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] for the respondent State.

4. According to the petitioner, the petitioner is the owner of the JCB, wherein the accused 1 to 3 had taken gravel from Pudukudiruppu Kanmai. When the same was objected by the Village Administrative Officer / defacto complainant, the accused 1 to 3 had quarrelled with the defacto complainant stating that they are taking the sand with valid pass. Thereafter, the accused 1 to 3 have been arrested. They were also released on bail. There is no specific overt act attributed as against the petitioner, but he is added as accused No.4 that his JCB vehicle bearing registration Number TN 63 AV 2763 involved in the offence.



5.Considering the facts and circumstances of the case and also considering the fact that there is no specific overt act against the petitioner and also the co-accused were released on bail, this Court is inclined to grant Anticipatory Bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance before the learned Judicial Magistrate No.I, Sivagangai and on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for the purpose of interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7.The 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/-
27/12/2018

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO I,
SIVAGANGAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
KALAIYARKOVIL, SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.M.ANANTHA MURUGAN Advocate SR.No.24113

ORDER
IN
CRL OP(MD) No.22827 of 2018
Date :27/12/2018

TK/VR/SAR-2/09.01.2019/2P/6C