



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

Tuesday, the Twenty Ninth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

WEB COPY

CRL OP(MD) Nos.17825 and 17944 of 2015

1 THIRUMALAI KOLUNTHU PILLAI  
2 BOOMIYAPILLAI  
3 CHOKKALINGAM  
4 VAIRAPERUMAL ... PETITIONERS / ACCUSED NOS.A1,A2,A4 & A6  
IN CRL.OP(MD)NO.17825/2015

1 M. NAGARATHINAM  
2 A. PALANISAMY ... PETITIONERS / ACCUSED NOT KNOWN  
IN CRL.OP(MD)NO.17944/2015

Vs

THE STATE REP.BY  
THE INSEPECTOR OF POLICE  
MAYANUR POLICE STATION,  
KARUR DISTRICT,  
IN CR. NO.313OF 2015 ... RESPONDENT / COMPLAINANT  
IN BOTH THE CASES.

For Petitioner : MR.VEERA KATHIRAVAN FOR  
M/S P.ATHIMOOLAPANDIAN Advocate  
IN BOTH THE CASES.

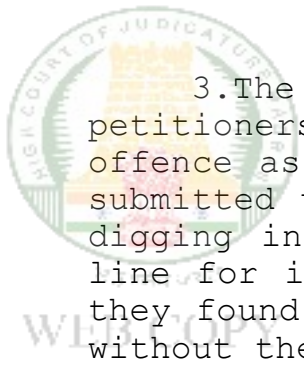
For Respondent : M/S.S.PRABHA, Govt. Advocate ( Crl. Side)  
IN BOTH THE CASES.

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P(MD)No.17825 of 2015, who are arrayed as A1, A2, A4 and A6 and the petitioners in Crl.O.P(MD)No.17944 of 2015, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offence punishable under section 379 of IPC r/w section 4(1), 4(1A), 21(1) of the Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.313 of 2015 on the file of the respondent police and hence, seek anticipatory bail respectively.

2.The case of the prosecution is that on 28.08.2015 at 6.00 hours, the A1 and A2, who are the owners of the lands comprised in Survey No.426/5 and 426/1 had dug a pond in their lands without permission from the concerned authorities and stolen precious green stones and sold them to A3 with the connivance of the other accused.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that A1 and A2 are the owners of the lands and they were digging in their lands for the purpose of laying underground pipe line for irrigation of their agricultural fields and at that time, they found some stones, which were sold to A3 by the other accused without their knowledge. It is further submitted that the respondent has arrested A3 and recovered the entire materials from him and other accused are agricultural collies and they have been falsely implicated in this case.

4.It is further submitted that the offence under Mines and Minerals (Development and Regulations) Act, 1957 is only bailable as per schedule II of the Criminal Procedure Code and in so far as theft is concerned, the respondent has already recovered the entire materials and therefore, the anticipatory bail petitions can be considered.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the accused without informing to the Mines and Minerals Department had committed theft of precious stones and the investigation is at the initial stage and therefore, the petitioners are not entitled for anticipatory bail.

6.However, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kulithalai, Karur District and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 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 stands dismissed.

sd/-  
29/09/2015

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,  
KULITHALAI, KARUR DISTRICT.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE  
KARUR.

3 THE ADDL. PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSEPECTOR OF POLICE  
MAYANUR POLICE STATION,  
KARUR DISTRICT.

+1. CC to M/S P.ATHIMOOLAPANDIAN Advocate SR.No.57033

ORDER

IN

CRL OP (MD) No.17825 of 2015

Date :29/09/2015

rg.30.09.2015/SK/SKN/SAR-II 3P.6C.