



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

Tuesday, the Thirteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17907 of 2015

1 BALAKRISHNAN

2 DHIVAGAR

3 C. KARTHICK RAJAN

... PETITIONERS/ACCUSED 3,4 & 13

Vs

STATE REP BY THE INSEPECTOR OF POLICE

MELUR POLICE STATION

MELUR, MADURAI DISTRICT.

CRIME NO.695/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.J.ASSOCIATES Advocate

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.3, 4 and 13, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 379 of I.P.C., and Section 21 of Mines and Minerals Development and Regulation Act in Crime No.695 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that on 08.09.2015, the accused have transported sand in Tipper Lorries after the permitted time, but enquiry came to light they have already transported 56 lorries of sand by using fake trip sheet by altering date and time issued by the District Collector.

3. The learned counsel for the petitioners submitted that the first petitioner is the owner of the quarry and the second petitioner is the driver of the first petitioner and the third petitioner is the owner of the lorry. It is further submitted that the first accused, who is working as a Supervisor with the first petitioner has falsely implicated them on the basis of the confession, the respondent is trying to arrest the petitioners.

4. The learned Government Advocate (Crl.side) filed a counter of the respondent opposing the anticipatory bail petition and



further contended that the accused have caused huge loss to the Government by taking sand, by using forged trip sheets. It is further submitted that 7 persons were granted bail by the Judicial Magistrate, Melur.

5. I have gone through the First Information Report and the counter filed by the respondent, but they have not stated about the exact loss caused to the Government by taking sand.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Melur and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.

7. 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/-
13/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSEPECTOR OF POLICE
MELUR POLICE STATION,
MELUR, MADURAI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.J.ASSOCIATES Advocate SR.No.61081

ORDER
IN
CRL OP(MD) No.17907 of 2015
Date :13/10/2015

AA/AMF/SAR-I/26.10.2015/2p-6c