



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12485 of 2016

K.ARUMUGAM

...PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.81 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.ANAND Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 379 (Sand theft) of IPC and Section 21 of Mines and Minerals (Development and Regulation) Act r/w. Section 3 of Tamil Nadu Public Property (Prevention of Loss and Damage) Act, in Crime No.81 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that on 31.03.2016, the Thasildar, Palayamkottai, Thirunelveli District inspected the land in S.No.375 of Seevalaperi Village and found that sand was removed in two places viz., 35.0x15.0x5.0 meters and 75.0x33.0x5.0 meters without any permission and on enquiry it was found that the sand was removed during night hours and one P.Kumaresan/ A1 granted permission to quarry the sand in S.No.445/2 for 18840 cubic meters for a period of 11 months. The said Kumaresn quarried the sand in S.No.375/1 without any permission along with other accused. On complaint, case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the case of the petitioner is that the petitioner is only power agent of A1 to deal with the property. The petitioner's name is not found in FIR. The learned counsel for the petitioner further submitted that the



petitioner is willing to deposit a sum of Rs.10,000/-. He further contended that co-accused was already enlarged on bail and prays for enlarging the petitioner on bail.

4. The learned Government Advocate (Crl. Side) filed counter affidavit and submitted that the petitioner has illegally quarried and removed the sand and the investigation is pending. He further submitted that the petitioner is a influential person with money and muscle power and if the anticipatory bail is granted he will tamper the witnesses and hamper the investigation and prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused is enlarged on bail, I am 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 appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thirunelveli District on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.81 of 2016 and the petitioner 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 petitioner shall report before the respondent police daily at 10.00 am until further orders.

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

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

03/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S R.ANAND Advocate SR.No.41739

ORDER

IN

CRL OP(MD) No.12485 of 2016

Date :03/08/2016

trp

SH/ARK-PV/SAR-III:11.08.2016:3P/6C