



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

Wednesday, the Twenty Second day of June Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.9905 of 2016

1 M. ELANGO VAN
2 K. MUNIYASAMY

... PETITIONERS/ACCUSED No.1 and 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
TRICHUZHAI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO. 186/2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S D.SELVANAYAGAM, 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 :-

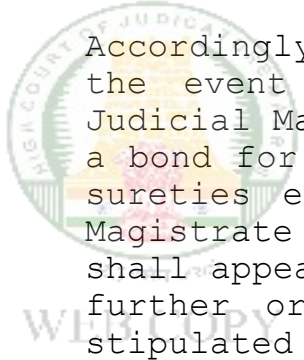
The petitioners, who is arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC r/w 21(1) of Mines and Mineral Act, in Crime No.186 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 19.06.2016 at the time of vehicle check up by the defacto complainant, the petitioners 1 & 2 illegally transported 3 unit of river sand in the Tipper lorry bearing Registration No.TN 67 AD 4959, without any permission. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the first petitioner is the driver of the vehicle and the second petitioner is the owner of the vehicle and they were transported the same only for the purpose of second petitioner's own building construction. They are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) submitted that the petitioners transported 3 unit of river sand, without any permission and there is no previous case against the petitioners.

5.Considering the facts 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 arrest or on their appearance before the learned Judicial Magistrate No.I, Aruppukottai 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.

6. 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/-
22/06/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.1, ARUPPUKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
TRICHUZHAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S D.SELVANAYAGAM Advocate SR.No. 32092

ORDER
IN
CRL OP(MD) No.9905 of 2016
Date :22/06/2016

AM

TE/SK-SKN/SAR-II : 24/06/2016 : 2P/6C