



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

Monday, the Ninth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.13317 of 2017

ESAKKIPANDI @ PANDI

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT,
(CRIME.No.297/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK, Advocate

For Respondent : Mr.K.ANBARASAN, 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 no.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 353, 506(ii) & 379 of IPC and Section 3 of TNPPDL Act in Crime No.297 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2017 at about 11 p.m., when the respondent police was conducting usual check up, they found that the petitioner along with the other accused persons tried to transport 20 bags of river sand by using Mahindra jeep bearing registration no. TCK 1105. On seeing the respondent police, the accused persons ran away from the occurrence place and they abused the respondent police by using filthy languages against the respondent police. Thereby, a case has been registered against the accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that the vehicle was seized by the respondent police and the investigation is still pending. There are four previous cases against this petitioner.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side) that the investigation is still pending, I am inclined to grant anticipatory bail to the petitioner with certain conditions. In view of increasing illegal sand mining activities, in order to curb illegal sand mining activities, it is necessary to impose some conditions. 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, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.297 of 2017 before the learned Judicial Magistrate, Srivaikundam, without prejudice to his defence before the trial Court.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m and 05.00 p.m., for a period of four weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
09/10/2017

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

TO

1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT



3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT

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

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+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.32479

ORDER

IN

CRL OP(MD) No.13317 of 2017

Date :09/10/2017

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SH/CM-MSA/SAR-3:12.10.2017: 3P/ 6C