



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

Wednesday, the Eleventh day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13377 of 2017

1 DURAIPANDIAN

2 JOTHI RENGANAYAGI

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PARTHIBANUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO. NOT KNOWN OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.JEGADEESH PANDIAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)

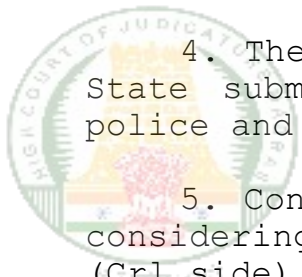
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused persons, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC., read with Section 21 (1) of Mines and Mineral Regulation Act, 1957, in Crime No.280 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 26.09.2017, at the time of inspection, the Village Administrative Officer found that several lorries were standing near Soodiyur Village loaded with sand without any authorisation and thereafter, the law enforcing agency seized the vehicles with sand. On complaint, case has been registered for the above said offences.

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. He also seeks permission of this Court to withdraw this petition against the second petitioner and he has also made an endorsement to that effect.



4. The learned Government Advocate (Crl.side) appearing for the State submitted that the vehicles were seized by the respondent police and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the first petitioner with certain conditions. In view of increasing illegal sand mining activities and in order to curb the same, it is necessary to impose some conditions. Accordingly, the first 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.I, Paramakudi, on condition that the first petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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 first petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) to the credit of Crime No.280 of 2017 before the learned Judicial Magistrate No.I, Paramakudi, without prejudice to his defence before the trial Court.

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

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

(iv) the first petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the first 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 first petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.



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6. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn as against the second petitioner.

sd/-

11/10/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, PARAMAKUDI.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM
- 3 THE INSPECTOR OF POLICE
PARTHIBANUR POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13377 of 2017
Date :11/10/2017

MV:PM-PN:SAR4:23/10/2017/3P/5C