



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

Friday, the Sixth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13530 of 2017

1 KARUPPASAMY (A3)

2 CHANDRAMOHAN @ SAKKATTIYAN (A4)

3 SUNDARRAJAN (A5)

4 NAPOLEON (A6)

... PETITIONERS / ACCUSED

Vs

State rep.by

THE INSPECTOR OF POLICE

IRUKKANKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT

(CRIME NO.195/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.SARAVANAKUMAR Advocate

For Respondent : Mr.K.Anbarasan, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

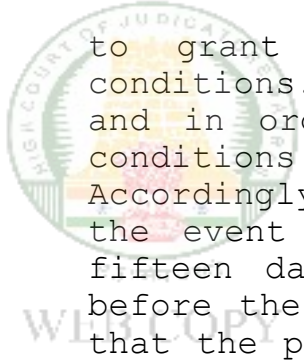
The petitioners, who are arrayed as A3 to A6, apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of of I.P.C read with Section 21 (1) of Mines and Mineral Regulation Act 1957 in Crime No.195 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 30.09.2017, at 7.00 a.m., the petitioners are said to have illegally transported 1 unit of river-sand at Mudithalai Village, Palaru Ayyanar Koil riverbed through the Tipper Lorry bearing Registration No.TN-69-AX-8002 and thereby the respondent arrested one Kasirajan, S/o.Karuppasamy and Muthupandi, S/o. Shanmugaiiah.

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.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that the Tipper Lorry was seized by the respondent police and the investigation is still pending. He further submitted that the petitioners 1 to 3/A3 to A5 have no previous cases and the fourth petitioner has eight previous cases.

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 petitioners 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 which are imposed in the conditions 1 and 2. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 petitioners 1 to 3/A3 to A5 shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) each to the credit of Crime No.195 of 2017 before the learned Judicial Magistrate No.II, Sattur, without prejudice to his defence before the trial Court.
- (ii) the fourth petitioner/A6 shall deposit a sum of Rs.60,000/- (Rupees Sixty thousand only) to the credit of Crime No.195 of 2017 before the learned Judicial Magistrate No.II, Sattur, without prejudice to his defence before the trial Court.
- (iii) the petitioners/A3 to A6 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;
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (vi) the petitioners shall not commit any offence while on bail;
- (vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands canceled automatically.

sd/-
06/10/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR
2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
IRUKKANKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.KALAIYARASI BHARATHI Advocate SR.No.32270

ORDER

IN

CRL OP(MD) No.13530 of 2017

Date :06/10/2017

SM:CM-MS:SAR I:11.10.2017:3P/6C