



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

Friday, the Sixth day of October Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.13577 of 2017

1 PANDI ESWARAN
2 PATHAKARAMUTHU
3 G.MATHIKUMAR

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE SUB-INSPECTOR OF POLICE
KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT
IN CR.No.143/2017

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.A.D.GANESHA MOORTHY, 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 rank not known, apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C read with Section 21 of Mines and Mineral Regulation Act in Crime No.143 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 03.10.2017, at 7.30 p.m., the petitioners are said to have illegally transported rivers and at Puraiyur through the Lorry bearing Registration No.TN-69-AR-2394.

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 Lorry was seized by the respondent police and the investigation is still pending. He further submitted that the petitioners 1 and 2 have no previous cases and the third petitioner has one previous case.



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 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, Srivaikundam, Thoothukudi District, 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 first and second petitioners shall deposit a sum of Rs.7,500/- (Rupees seven thousand and five hundred only) each to the credit of Crime No.143 of 2017 before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, without prejudice to his defence before the trial Court.
- (ii) the third petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.143 of 2017 before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, without prejudice to his defence before the trial Court.
- (iii) the petitioners 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 cancelled automatically.

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sd/-
06/10/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE
SRIVAICKUNDAM
 - 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
 - 3 THE SUB-INSPECTOR OF POLICE
KURUMBUR POLICE STATION, THOOTHUKUDI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.A.D.GANESHA MOORTHY Advocate SR.No.32238

ORDER
IN
CRL OP(MD) No.13577 of 2017
Date :06/10/2017

mrn/das
SH/PM-MSA/SAR-2:10.10.2017:3P/6C