



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

Monday, the Ninth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.13590 of 2017

PERIYASAMI,

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN (CRIME NO.348 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.SUGADEV 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 :-

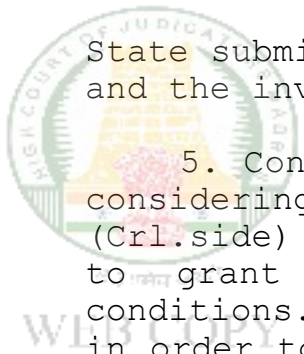
The petitioner, who is arrayed as accused no.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 109 I.P.C and Section 21(5) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.348 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police took an inspection at Kariyapatti to Narikudi Road, Papanam Vilakkku. At that time, a vehicle bearing registration no. TN-69-T-3116 (Tipper Lorry) came on the way and crossed. It was driven by the accused no.1. On enquiry, the police came to know that the vehicle belongs to accused No.2, who instructed accused no.1 to load the sand illegally, subsequently, the vehicle was seized with 3 units of sand. The arrested accused was remanded to judicial custody. Thereby, a case has been registered against accused persons. Aggrieved by the same, the petitioner filed this Criminal Original Petition.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

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.

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 No.II, Virudhunagar District, 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.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Crime No.348 of 2017 before the learned Judicial Magistrate No.II, Virudhunagar District, 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.

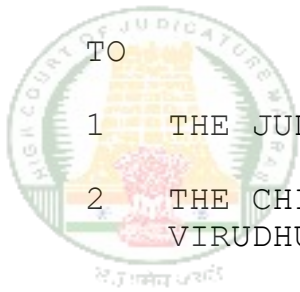
(iv) the petitioner shall not commit any offence while on bail;

(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

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3 THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.B.VISWANATHAN Advocate SR.No.32353

ORDER

IN

CRL OP(MD) No.13590 of 2017

Date :09/10/2017

SMA/CM-MSA/SAR-2/12.10.2017:3P/6c