



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.13608 of 2017

PRABHU

... PETITIONER/ACCUSED/RANK NOT KNOWN

Vs

STATE: REP.BY

THE INSPECTOR OF POLICE

SATHUR TALUK POLICE STATION,

VIRUDHUNAGAR DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr..PR BOOMEE RAJAN 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 rank not known, apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C r/w 21 (1) of Tamil Nadu Mines and Minerals Act in Crime No.288 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is taking sand from Thanjavur to Kanyakumari Highway Road. At the time, the respondent police stopped and searched the lorry. He could find the sand inside the lorry without any permission from the local authorities. Thereby, a case has been registered against the petitioner. 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.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that 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 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 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, Sathur, 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.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.288 of 2017 before the learned Judicial Magistrate No.II, Sathur, 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;

(v) 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
SATHUR



2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT
AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
SATHUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.PR BOOMEE RAJAN Advocate SR.No.32443

ORDER

IN

CRL OP(MD) No.13608 of 2017

Date :09/10/2017

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SH/RR-BS/SAR-1:12.10.2017: 3p/6c