



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.13617 of 2017

KALIMUTHU,

... PETITIONER/ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.166 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.S.VAIGUNTH Advocate

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

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

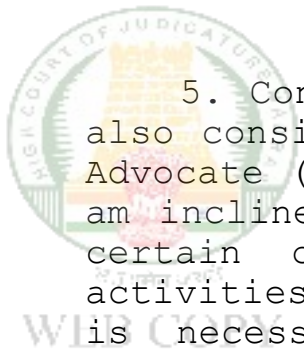
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.2, apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C and Section 21 (1) of Tamil Nadu Mines and Minerals Act in Crime No.166 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.09.2017, while the Sub-Inspector of Police attached to the respondent police along with his subordinates were in patrol duty, they intercepted the Tractor bearing Reg. No.TN 74 AD 9636 and checked the vehicle and found that the driver has illegally transported one unit of Odai Sand worth about Rs.3,000/- without any valid permit. 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 is the owner of the vehicle. He has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case.

<https://hcservices.courts.tn.nic.in/> 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 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, Sivakasi, 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.166 of 2017 before the learned Judicial Magistrate No.II, Sivakasi, 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.



SM
TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.32341

GJM/PM/PN/SAR-4-12.10.17-3P-6C

ORDER
IN
CRL OP(MD) No.13617 of 2017
Date :09/10/2017