



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

Wednesday, the Eleventh day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13675 of 2017

1 PALANISAMY

2 SATHISHKUMAR ALIAS SATHISH ... PETITIONERS / ACCUSED Nos.1 & 4

Vs

State rep.by

THE SUB INSPECTOR OF POLICE

VACHAKARAPATTI POLICE STATION,

VIRUDHUNAGAR DISTRICT,

CR NO. 404/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.G.MARIMUTHU 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 :-

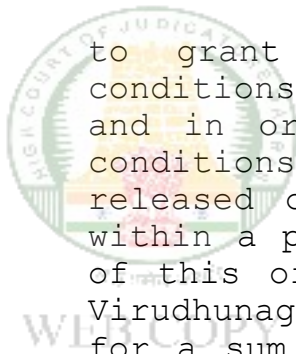
The petitioners, who are arrayed as Accused Nos.1 and 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 and 511 of I.P.C 1860 read with Section 21 (5) and 23 of Mines and Mineral Regulation Act 1957, in Crime No.404 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 01.10.2017 at 04.15 a.m., the petitioners are said to have illegally transported sand in the Arujna River through JCB bearing Registration No.TN-67-AF-1586. The first petitioner/A1 is the owner of the JCB and the second petitioner/A4 is the driver of the JCB.

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.

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. 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 Court No.I, Virudhunagar, 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 shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) each to the credit of Crime No.404 of 2017 before the learned Judicial Magistrate Court No.I, Virudhunagar, without prejudice to their defence before the trial Court.
- (ii) 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;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners 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 petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
11/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE SUB INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.32592

ORDER

IN

CRL OP(MD) No.13675 of 2017

Date :11/10/2017

SM:PM-PN:SAR 3:20.10.2017:3P/6C