



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.13710 of 2017

AYYALUSAMY

... PETITIONER / ACCUSED No.2

Vs

State rep.by
THE INSPECTOR OF POLICE
THIRUVENKADAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR NO. 192/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.JAYARAMACHANDRAN 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 :-

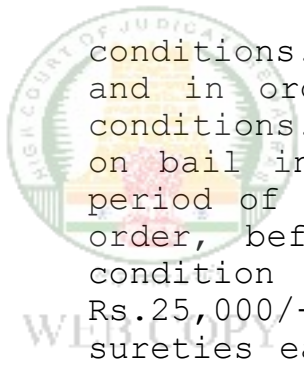
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C read with Section 21 (1) of Mines and Mineral Regulation Act 1957, in Crime No.192 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 05.10.2017, when the respondent police involved in vehicle check-up in front of Gandhi Mandapam at Thiruvenkadam Main Bazar, they intercepted a lorry bearing Registration No.TN-60-2277 loaded with three units of sand worth about Rs.3000/- (Rupees Three Thousand only) without any valid permit and arrested the driver and seized the lorry with sand.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has 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 petitioner 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 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, Sankarankovil, on condition that the petitioner 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 petitioner shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.192 of 2017 before the learned Judicial Magistrate, Sankarankovil, 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 make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) 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 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, SANKARANKOVIL

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
THIRUVENKADAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.A.JAYARAMACHANDRAN Advocate SR.No.32527

ORDER

IN

CRL OP(MD) No.13710 of 2017

Date :11/10/2017

SM:CM-MSA:SAR 2:20.10.2017:3P/6C