



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

Thursday, the Twelfth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13813 of 2017

PARAMASIVAM

... PETITIONER / ACCUSED No.4

Vs

STATE THROUGH THE
THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT ,
CR NO. 180/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. VIDYA , Advocate for
Mr.N.MARIAPPAN 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 :-

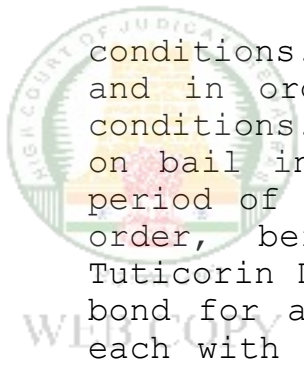
The petitioner, who is arrayed as Accused no.4, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of I.P.C r/w 21(1) Mines and Minerals Act 1957, in Crime No.180 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 06.09.2017, the petitioner is said to have illegally transported sand in riverbed of Avudayapuram River, Pudhukottai District, through vehicle bearing Registration No.TN-52-C-6113 without any valid permission. On complaint, a case has been registered for the above said offences.

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.

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, Villathikulam, Tuticorin District, 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.180 of 2017 before the learned Judicial Magistrate, Villathikulam, Tuticorin 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 make himself 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/-
12/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
VILLATHIKULAM, TUTICORIN DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT ,

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

+1. CC to MR.N.MARIAPPAN Advocate SR.No.32709

JAM/20.10.17/RR-BS/SAR 2 / 3P-6C

ORDER

IN

CRL OP (MD) No.13813 of 2017

Date :12/10/2017