



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

Thursday, the Twelfth day of October Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.13848 of 2017

1 ARUMUGAM
2 JEYARAJ
3 SUNDARRAJ
4 ELUMALAI
5 DURAISAMY

... PETITIONERS/ACCUSED Nos.2 to 6

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.
(IN CR.NO.247 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.P.GANAPATHI SUBRAMANIAN 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 petitioners, who are arrayed as Accused Nos.2 and 6, apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C read with Section 21 (4) of Mines and Mineral Act and Development Regulation Act 1957, in Crime No.247 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the Village Administrative Officer of Durakudi Village given a complaint to the respondent police that these petitioners/ Accused No.2 to 6 are said to have illegally transported sand in the riverbed of Koraiyaru at Kurakudi Village through lorries bearing Registration Nos.TN-52-B-7263, TN-28-AB-9076 and TN-30-U-8078. The first and second petitioners/A2 and A3 are the owners of the Vehicles and the rest of the petitioners/A4 to A6 are the driver of the lorries.

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 lorries were 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 No.IV, Trichy District, 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.247 of 2017 before the learned Judicial Magistrate No.IV, Trichy District 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/-
12/10/2017

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.IV
TRICHY

2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION, TRICHY DISTRICT.

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

ORDER
IN
CRL OP(MD) No.13848 of 2017
Date :12/10/2017

mrn/vsg
SH/PM-PN/SAR-1:23.10.2017: 2p/5c