



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

Friday, the Thirteenth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13958 of 2017

1 DAVID PRADEEP SINGH
2 MARIMUTHU
3 MUTHUVEL
4 VASUDEVAN

... PETITIONERS/ACCUSED No.2,3,5,6

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
RAMNATHAPURAM DISTRICT,
(Crime No.106/2017)

... RESPONDENT/COMPLAINANT

For Petitioners : Mr.S.MUNIYANDI 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, 3, 5 and 6, apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C r/w 21(i) Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.106 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent, stating that the accused persons were indulged in illegal transportation of sand in Survey Nos.326/1, 326/2, 326/3 and 326/5 through Tractor along with Trailor without any valid permission. The first petitioner is the owner of the vehicle and the other petitioners are the load-man.

3. The learned counsel for the petitioners submitted that the petitioners are an 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 aforementioned vehicle 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, Kamuthi, 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 petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) each to the credit of Crime No.106 of 2017 before the learned Judicial Magistrate, Kamuthi, 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/-

13/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
KAMUTHI

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

3 THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
RAMNATHAPURAM DISTRICT.

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

+1. CC to M/S.S.MUNİYANDI Advocate SR.No.32862

ORDER

IN

CRL OP(MD) No.13958 of 2017

Date :13/10/2017

vsg/mrn

SH/RR-BS/SAR-1:23.10.2017:3p/6c