



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

Friday, the Twentieth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14019 of 2017

JEYA SAKTHI

... PETITIONER/ACCUSED No.2

Vs

STATE BY

THE INSPECTOR OF POLICE
THEVARAM POLICE STATION,
THENI DISTRICT

(REF.CRIME NO.363 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.SAMUEL GUNASINGH 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 :-

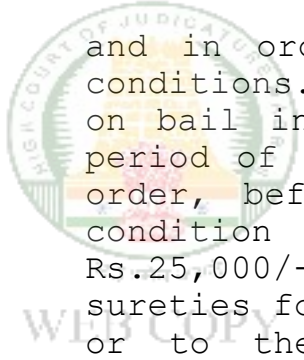
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and under Section 379 IPC, in Crime No.363 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to had been loaded odai sand from odai poramboke belonging to the Government without any license and on seeing the defacto complainant, who were on their usual check, the accused persons have fled from the place of occurrence. The tractor and tailor used by the accused persons have been seized along with the odai sand.

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, Bodinayakanur, 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 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.10,000/- (Rupees ten thousand only) **each** to the credit of Crime No.363 of 2017 before the learned Judicial Magistrate, Bodinayakanur, 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/-

20/10/2017

/ TRUE COPY /

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

myr/smi
TO

- 1 THE JUDICIAL MAGISTRATE,
JUDICIAL MAGISTRATE, BODINAYAKANUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
- 3 THE INSPECTOR OF POLICE, THEVARAM POLICE STATION, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No.32925

ORDER

IN

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Date :20/10/2017