



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

Tuesday, the Twenty Fourth day of October Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14199 of 2017

1 BALAKRISHNAN
2 VALAVANTHAN
3 VASANTHAKUMAR
4 MADASAMY

... PETITIONERS/ ACCUSED NO.1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.344/2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.G.THALAIMUTHARASU Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

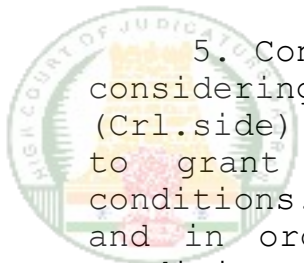
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for offences punishable under Section 379 of I.P.C read with Section 21 (1) of Mines and Mineral Regulation Act 1957, in Crime No.344 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 13.10.2017, while the Respondent Police along with his subordinates were in patrol duty, they intercepted the Tractor bearing Registration No.TN-76-R-0596 which was driven by the second petitioner herein, immediately the third and fourth respondent who were travelled in the Tractor fled from the place. Subsequently, when the respondent police checked the vehicle, they found that the accused persons have illegally transported ½ unit of Karai Sand worth about Rs.3,000/- (Rupees Three Thousand only) without any valid permission.

3. The learned counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioner are willing to cooperate with the investigation and are ready to abide any condition imposed by this Court.

4. The learned Government Advocate (Crl.side) appearing for the State submitted that the Tractor 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, Rajapalayam, 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.344 of 2017 before the learned Judicial Magistrate, Rajapalayam, without prejudice to his 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/-
24/10/2017

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.33041

ORDER
IN
CRL OP(MD) No.14199 of 2017
Date :24/10/2017

MS/CM-MSA/SAR.2/27.10.2017/3P.6C