



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

Thursday, the Twenty Sixth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14407 of 2017

1 A.MOTTAIYASAMY,
2 M.MURUGAN,

... PETITIONERS / ACCUSED NO. 1 AND 2

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
ETTAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.361 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.MALAİKANI Advocate

For Respondent : Mr.K.ANBARASAN Government Advocate (Crl. Side)

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

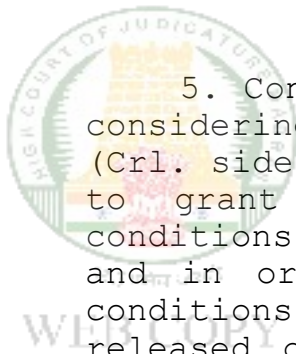
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C read with Section 21 (1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.361 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 16.10.2017, at 5.00 a.m., when the defacto complainant conducted vehicle check up along with the police party, found that the petitioner was illegally transported one unit of sand in Vaipparu through tractor. The Tractor belongs to the petitioner. On complaint, a case has been registered against the petitioner by the respondent police.

3. The learned counsel for the petitioners submitted that the petitioners are innocent 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 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 No.II, Kovilpatti, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), 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.361 of 2017 before the learned Judicial Magistrate No.II, Kovilpatti, 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;

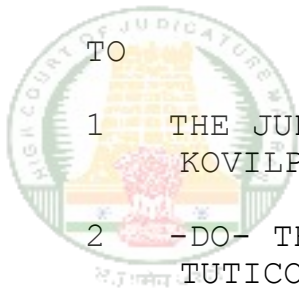
(v) the petitioners shall not commit any offence while on bail;

(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/-
26/10/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE INSPECTOR OF POLICE,
ETTAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.S.MALAIKANI Advocate SR.No.33226

ORDER

IN

CRL OP (MD) No.14407 of 2017

Date : 26/10/2017

MV:RR-BS:30/10/2017/3P/6C