



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.18020 of 2017

1 MATTHIYARAJ
2 CHELLADURAI

... PETITIONERS/ACCUSED No.1&2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, MANAPPARAI,
TRICHY DISTRICT.
(CRIME NO.761 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.T.VADIVELAN 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 :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC and r/w Section 21(1) of Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.761 of 2017 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that the petitioners are driver and owner of a lorry respectively, who have illegally transported sand without valid permit. The vehicle has been seized.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners transported only the manufacturing sand with valid permit.

4. Learned Government Advocate (Crl. Side) would submit that the petitioners have no previous case.

5. Considering the facts and circumstances of the case and taking note of the fact that the quantity is minimal and the



petitioners are having no previous case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Manapparai, on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 as if the conditions have been imposed and the petitioners released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

28/12/2017

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

TO

1 THE JUDICIAL MAGISTRATE, MANAPPARAI

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT

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

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

+1. CC to M/S.T.VADIVELAN Advocate SR.No.37120

ORDER IN

CRL OP(MD) No.18020 of 2017

Date :28/12/2017