



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

Thursday, the Twenty Seventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9691 of 2017

1 SIVA @ SIVACHANDRAN
2 GANDHI

... PETITIONERS / ACCUSED NO.2 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO.260 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.ANANDAKUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

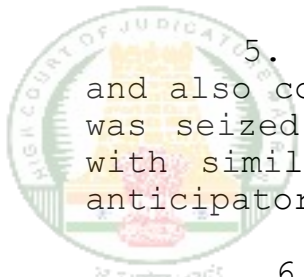
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 21(1) of the Mines and Minerals (Development and Regulation) Act and Section 3 of the TNPPDL Act in Crime No. 260 of 2017, seek anticipatory bail.

2.The case of the prosecution is that accused are said to have transported two unit of river sand through Tipper lorry bearing Registration No.TN-20-AR-8139, which belongs to the first petitioner herein. The Tipper lorry along with sand was seized by the respondent police and the investigation is still pending. There is no pervious case with similar nature offence. A1 was arrested and released on bail on 26.07.2017.

3.The learned counsel appearing for the petitioners states that the the petitioners are innocent and they were falsely implicated in this case. A1 was arrested and released on bail by the concerned Session Court in No.1522 of 2017 on 26.07.2017.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally four accused in this case and the petitioners herein are arrayed as A2 and A4. The Tipper lorry along with sand was seized by the respondent police and the investigation is still pending.



5. Considering the above facts and circumstances of the case and also considering the facts that the Tipper lorry along with sand was seized by the respondent police and there is no previous case with similar nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Manamadurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[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 concerned Magistrate 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 learned Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

27/07/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, MANAMADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.27556

ORDER IN

CRL OP(MD) No.9691 of 2017

Date :27/07/2017