



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1014 of 2018

P.SURESH

... PETITIONER/ACCUSED No.6

Vs

STATE REP BY
THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT
(CRIME NO.869 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PRABHU Advocate
For Respondent : MR.K.SUYAMBULING BHARATHI,
Govt. Advocate (Crl. Side)

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

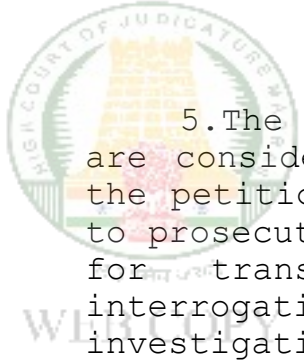
ORDER : The Court Made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., Section 4(1)(a), 21(1) Mines and Minerals Development Regulation Act 1957 and Section 38-C (1) (a), 38-C(1)(b), 38-C(2)(a) Amendment to the TN Mines and Minerals Concession Rules 1959 , in Crime No.869 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.12.2017 while the Thirumangalam Taluk Thasildar patrolling the vehicle check up, the petitioner has illegally transported the sand without valid permit. Therefore, he gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent persons, he has not committed any offence as alleged by the prosecution, he has been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that the petitioner has illegally transported the sand without valid license. He further submitted that the stolen property as well as the vehicle, which was used for transporting the sand, illegally, have been recovered. According to him investigation is pending.



5. The submissions made by the learned counsel on either side are considered, it is alleged that during the time of occurrence, the petitioner stolen away the sand by using the vehicle. According to prosecution, the stolen sand as well as the lorry, which was used for transportation have been recovered. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. However, considering the nature of offence committed by the petitioner, this Court has imposed some stringent condition for granting anticipatory bail to the petitioner that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.869 of 2017 before the Judicial Magistrate, Thirumangalam, Madurai District, without prejudice his defence before the Trial Court. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioner 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 petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.869 of 2017 before the Judicial Magistrate, Thirumangalam, Madurai District, without prejudice his defence before the Trial Court.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of three 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 not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned 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/-
23/01/2018

/ TRUE COPY /



TO

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

+1. CC to M/S.S.PRABHU Advocate SR.No.1311

ORDER

IN

CRL OP(MD) No.1014 of 2018

Date :23/01/2018

SMA/RR-CSL/SAR-1/30.01.2018:3P/6c