



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1124 of 2018

1 SAMIKANNU
2 M.KALI @ KALEESWARAN
3 KANNAN @ RAJESHKANNAN
4 K.KALI @ KALEESWARAN ... PETITIONERS / ACCUSED Nos.2,4 to 6

Vs

THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.20 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.BALAJI Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

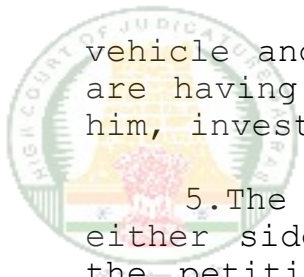
ORDER : The Court Made the following order :-

The petitioners/Accused Nos.2,4 to 6, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC., and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.20 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners transported three units of river sand by using a Tipper lorry without obtaining any valid permission from the appropriate authority. Hence, the present case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent, they are no way connected with the alleged offence as alleged and pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners along with other accused transported three units of river sand by using a Tipper Lorry and the properties have been recovered. He further submitted that A2 is the owner of the



vehicle and other petitioners are drivers. Further added that they are having one previous case for the similar offence. According to him, investigation is pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioners for the offence under Sections 379 of IPC., and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. It is alleged that during the time of occurrence, the petitioners along with other accused committed theft of three units of river sand by using a Lorry. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the property which was used for the commission of offence and the river sand are all recovered. Accordingly, custodial interrogation of the petitioners is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 on which the order copy is made ready, before the learned Judicial Magistrate, Aruppukkottai, Virudhuangar District, 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 first petitioner/A2 being the owner of the Lorry shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.20 of 2018, before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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 petitioner 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/-
24/01/2018

/ TRUE COPY /

WEB COPY

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

TO

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

+1. CC to M/S.A.BALAJI Advocate SR.No.1247

JAM/01/02/2018/PM-PN/ SAR 4 / 3P-6C

ORDER
IN
CRL OP(MD) No.1124 of 2018
Date :24/01/2018