



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1216 of 2018

KARUNAKARAN

... PETITIONER / ACCUSED 10

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VILAHTIKULAM POLICE STATION,
THOOTHUKUDI.

CR.NO.1 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.K.AKALYA, Advocate for
Mr.V.NIRAMAL KUMAR Advocate

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

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

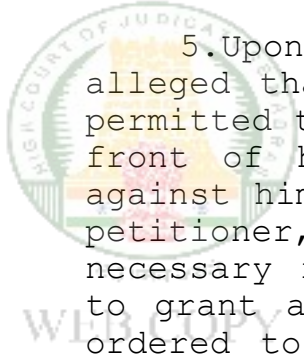
ORDER : The Court Made the following order :-

The petitioner/A10, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 I.P.C., in Crime No.1 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.01.2018, the defacto complainant, who is the Village Administrative Officer, along with respondent police was conducting vehicle check up, at that time, they found that the accused persons had transported the 13 units of sand by using the two Taurus lorries along with JCB.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, he has not committed any offence as alleged, 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 herein permitted the other accused in this case to stock the stolen sand in front of his house. According to him, investigation is still pending.



5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner herein permitted the other accused in this case to stock the stolen sand in front of his house. Except above allegation, nothing is averred against him. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioner. 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, Vilathikulam, 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 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.

(i) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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/-
01/02/2018

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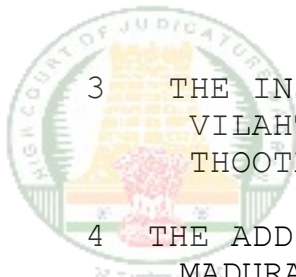
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM , THOOTHUKUDI DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI



3 THE INSPECTOR OF POLICE,
VILAHTIKULAM POLICE STATION,
THOOTHUKUDI.

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

WEB COPY

+1. CC to M/S.V.NIRAMAL KUMAR Advocate SR.No.1783

JAM/12/02/2018/RR-CSL SAR 4/ 3p-6c

ORDER
IN
CRL OP(MD) No.1216 of 2018
Date :01/02/2018