



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.127 of 2018

1 CHELLADURAI

2 SETHURAJ @ SATHURAK

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 384 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.D.VENKATESH. Advocate

For Respondent : MR.K.S.DURAIPANDIAN, Additional Public Prosecutor

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

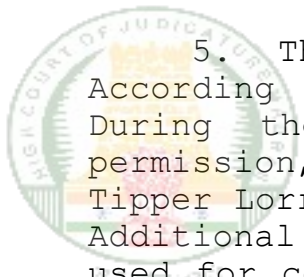
ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.384 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.12.2017, on secret information, when the Village Administrative Officer and his subordinates went to occurrence place they found that the petitioners have illegally transported two units of sand through Tipper Lorry bearing Registration No.TN-72-AA-2013 without getting any valid permission. Based on the compliant, case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions, would submit that the petitioners have no previous case and the investigation is still pending.



5. The submissions made by either side are considered. According to the prosecution, the investigation is still pending. During the time of alleged occurrence, without getting any permission, the petitioners herein taken away two units of sand in a Tipper Lorry bearing Registration No.TN-72-AA-2013. Now, the learned Additional Public Prosecutor submitted that the property which was used for commission of offence is recovered. Accordingly, custodial interrogation is not necessary for completing the investigation. Therefore, 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, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, 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 petitioners shall report before the investigation officer, daily at 10.00 a.m., for a period of one month and thereafter as and when required;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not commit any offence while on bail;
- (iv) 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 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/-
05/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.210

ORDER

IN

CRL OP(MD) No.127 of 2018

Date :05/01/2018

PK/CM-VR/SAR-1/08.01.2018 : 3P/6C