



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1270 of 2018

1 RASU@ SUBBURAJ
2 RAMAR
3 VIGNESWARAN

... PETITIONERS/ACCUSED 3 to 5

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CR. NO. 21/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.P.SARAVANAKUMAR Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 I.P.C. r/w. 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.21 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 21.01.2018, when patrolling the respondent police, they seized the two lorries and JCB for the alleged illegal transportation of river sand to the tune of 3 units and 6 units respectively.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that A3 and A4 are the drivers of the vehicle, A5 is the owner of the vehicles. He further submitted that the stolen properties as well as the vehicles were recovered by the respondent police. According to him, investigation is not completed.

5.The submissions made by the learned counsel on either side are considered. According to prosecution, it is alleged that during the time of occurrence, the petitioners committed the theft of river sand to the tune of six units. As of now, the properties, which was used for the commission of offence has been recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioners and also considering the fact that the first and second petitioners herein are working as drivers and the third petitioner/A5, being the owner of the vehicle permitted to use the lorry which was found by him for the commission of offence, this Court has imposed some stringent condition for granting anticipatory bail to the third petitioner/A5. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, No.II, Sattur, 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:

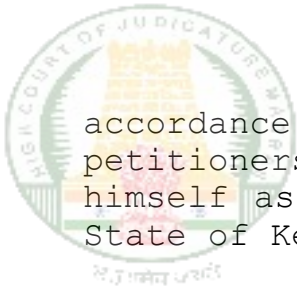
(i) The thrid petitioner /A5 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.21 of 2018 before the Judicial Magistrate, No.II, Sattur, without prejudice his defence before the Trial Court.

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

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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 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].

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sd/-
25/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 - 3 THE INSPECTOR OF POLICE,
IRUKKANKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.KALAIYARASI BHARATHI, Advocate SR.No.1359

ORDER
IN
CRL OP(MD) No.1270 of 2018
Date :25/01/2018

PK/RR-CSL/SAR-3/30.01.2018 : 3P/6C