



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1280 of 2018

1 RANJITH
2 RAJA @ THOSAI
3 SUBRAMANI

... PETITIONERS / ACCUSED NO.1,3&4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
THIRUTHANGAL, VIRUDHUNAGAR,
(CRIME NO.53 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.P.SANKARAKUMARAKURUPARAN Advocate

For Respondent : MR.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, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 of Indian Penal Code and Section 21(1) of Mines and Minerals (Development & Regulation) Act in Crime No.53 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that A1 is the owner of the tractor and A2, A3 & A4 have transported one unit of river sand illegally through the said tractor.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. side) submitted that the vehicle along with river sand was recovered. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. This case has been registered for the offence punishable under Section 379 of Indian Penal Code and Section 21(1) of Mines and Minerals (Development & Regulation) Act. During the time of occurrence, the petitioners were found in possession of one unit of river sand. As of now, the said property was recovered by the investigating agency. Accordingly, custodial interrogation may not be necessary for completing the investigation.

7. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain stringent conditions. 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, Sivakasi 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 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.

(ii) the first petitioner / A1, who is the owner of the vehicle is directed to deposit a sum of Rs.25,000/- to the credit of Crime No.53 of 2018 before the learned Judicial Magistrate No. II, Sivakasi.

(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/-
29/01/2018

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION, THIRUTHANGAL, VIRUDHUNAGAR,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/RR/SAR-2-1.2.18-3P-5C

ORDER
IN
CRL OP(MD) No.1280 of 2018
Date :29/01/2018