



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.132 of 2018

SURENDREN

... PETITIONER/ACCUSED No.3

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
MAYANOR POLICE STATION,
KARUR DISTRICT.
(CRIME NO.347 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.VADIVELAN, 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 :-

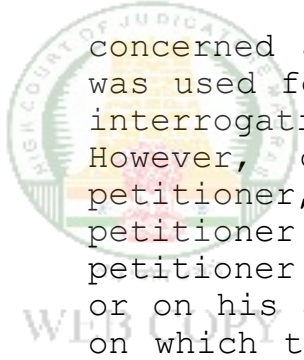
The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC and r/w. Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.347 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.10.2017, while the police personnel was on regular vehicle check up, they found that the petitioner along with other accused persons have illegally transported 5 units of river sand through lorry. Based on the compliant, case has been registered for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions, would submit that the investigation is still pending and co-accused were arrested and released on bail by the lower Court.

5. The submissions made by either side are considered. During the time of alleged occurrence, with the help of the other two accused, the petitioner herein taken away 5 units of sand from the river Kaveri through lorry, without getting any permission from the



concerned authority. According to the prosecution, the lorry which was used for the commission of offence was recovered. So, custodial interrogation is not necessary for completing the investigation. However, considering the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions. Accordingly, the petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Kulithalai, 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.347 of 2017 before the learned Judicial Magistrate No.II, Kulithalai, without prejudice to his defence before the trial Court . After such deposit, the trial Court shall accept the sureties furnished by the petitioner.
- (ii) the petitioner shall report before the investigation officer, daily at 10.00 a.m., for a period of one month and thereafter as and when required;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, 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/-
05/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO II, KULITHALAI, KARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, KARUR.

3 THE INSPECTOR OF POLICE,
MAYANOR POLICE STATION, KARUR DISTRICT.

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

+1. CC to M/S.T.VADIVELAN Advocate SR.No.252

ORDER

IN

CRL OP(MD) No.132 of 2018

Date :05/01/2018

PK/RR/SAR-1/09.01.2018 : 3P/6C