



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1331 of 2018

GOMATHINAYAGAM,

... PETITIONER/ACCUSED No.4

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.4 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.J.KARTHICK Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 353 and 506(i) IPC r/w 21(i) of Mines and Minerals Development Regulation Act, 1959 in Crime No.4 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the owner of the vehicle. The petitioner along with other accused have illegally transported river sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

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

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

5.The submissions made by the learned counsel on either side



are considered. This case has been registered for the offences punishable under Sections 294(b), 353 and 506(i) IPC r/w 21(i) of Mines and Minerals Development Regulation Act, 1959. During the time of occurrence, the other accused were found in possession of river sand in two lorries, which was owned by this petitioner. As of now, the said property was recovered by the investigating agency. Accordingly, custodial interrogation is not necessary for completing the investigation.

6. 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 petitioner, with certain 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, Tirunelveli District 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 10.30 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(ii) the petitioner, who is the owner of the vehicle, is directed to deposit a sum of Rs.25,000/- to the credit of Crime No.4 of 2018 before the learned Judicial Magistrate, Sankarankovil, Tirunelveli District

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

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

(v) 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/-
29/01/2018

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



1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

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

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.1463

ORDER

IN

CRL OP(MD) No.1331 of 2018

Date :29/01/2018

SMA/PM-PN/SAR-2/01.02.2018:3P/6c