



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.144 of 2018

RAMASAMY

... PETITIONER/SINGLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO.2 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.MATHIYALAGAN Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

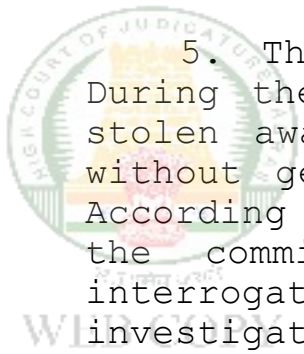
ORDER : The Court Made the following order :-

The petitioner/Sole Accused, 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.2 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.01.2018, while the police personnel was on regular vehicle check up, they found that the petitioner has illegally transported ½ unit of river sand through tractor. Based on the complaint, 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 vehicle involved in the alleged occurrence was seized by the respondent police and the investigation is still pending.



5. The submissions made by either side are considered. During the time of alleged occurrence, the petitioner herein stolen away ½ unit of sand from the river through tractor, without getting any permission from the concerned authority. According to the prosecution, the property which was used for the commission of offence was recovered. So, custodial interrogation is not necessary for completing the investigation. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Srivilliputhur, 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 investigation officer, daily at 10.00 a.m., for a period of three weeks and thereafter as and when required;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner 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 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.



pjl
TO

1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR
2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

WEB COPY

3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.R.MATHIYALAGAN Advocate SR.No.213

GJM/RR/SAR-4-8.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.144 of 2018
Date :05/01/2018