



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1523 of 2018

RAVI @ RAVICHANDRAN

... PETITIONER/ ACCUSED NO.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION,
VELAYUTHAMPALAYAM, KARUR DISTRICT,
IN CRIME NO.295 OF 2017

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.GOKUL RAJ 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 petitioner/A3, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., r/w 21(1) (a) (b) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.295 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.07.2017, the respondent police had involved his regular check up nearby Thalavaipalayam Pririvu Road, he found that two lorries bearing Registration Nos.TN-28-AF-9390 and TN-25-Q2999 respectively were loading with two units of illegal sand each and along with one JCB which was used for taking illegal sand in the Caveri River.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that the petitioner/A3 is the owner of the vehicle. The river sand, which was illegally transported during the time of occurrence has been recovered. According to him, investigation is still pending.

5.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner committed the sand theft to the tune of 2 units. As of now, the property, which was used for the commission of offence has been recovered. So, custodial interrogation of the petitioner is not necessary for completing the investigation. However, considering the quantity of river sand, which was involved for the commission of offence and also considering the fact that the petitioner/A3 being the owner of the vehicle, permitted to use the vehicle which was found by him for the commission of offence, this Court has decided to impose some stringent condition for granting anticipatory bail to the petitioner/A3. Accordingly, he 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 No.II, Karur, 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:

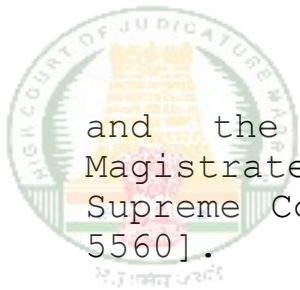
(i) The petitioner/A3 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.295 of 2017 before the Judicial Magistrate No.II, Karur, without prejudice his defence before the Trial Court.

(ii)the petitioner 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 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].

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01/02/2018

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

TO

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

+1. CC to M/S.S.GOKUL RAJ Advocate SR.No.1733

GJM/RR/SAR-3-7.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1523 of 2018
Date :01/02/2018