



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.1566 of 2018

ANANTH

... PETITIONER / ACCUSED No.2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.7/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

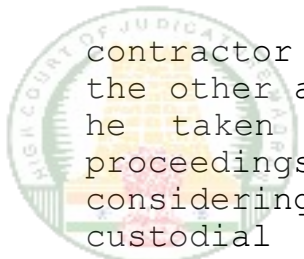
The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under 21(4) of Tamilnadu Mines and Minerals(Development and Regulation) Act, 1957 and 379 I.P.C., in Crime No.7 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.01.2018, the defacto complainant, who is the Revenue Inspector conducted rounds, he found that the driver of the Tractor bearing Registration No.TN-65-R-3976 and trailer bearing Registration No.TN-65-R-3942 had transported the sand without any valid permission.

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/A2 is the contractor. The stolen properties as well as the vehicles, which was used for transportation of sand, illegally, 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 being the



contractor obtaining license from the Revenue Authorities permitted the other accused in this case to take the soil, but the place where he taken soil in violating the condition laid down in the proceedings issued by the Tahsildhar, dated 22.01.2018. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioner. 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, Thiruvadanai, 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 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

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

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

(iv) 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/-
01/02/2018

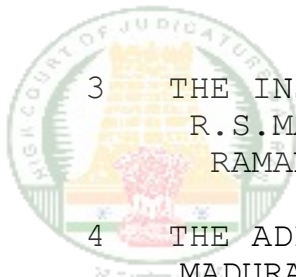
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI , RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
RAMANATHAPURAM DISTRICT



3 THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

WEB COPY

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.1780

JAM/12/02/2018/PM-PN/ SAR 4/ 3P-6C

ORDER
IN
CRL OP(MD) No.1566 of 2018
Date :01/02/2018