



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1636 of 2018

1 MUNEESHWARAN

2 RAJENDRAN @ GOODLUCK RAJENDRAN

... PETITIONERS / ACCUSED Nos.7,8

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.13/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.KAMESWARAN Advocate

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

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

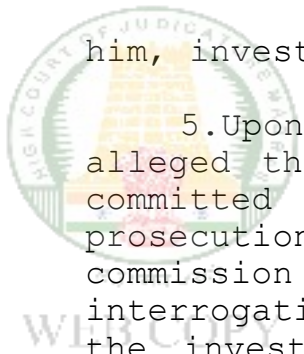
ORDER : The Court Made the following order :-

The petitioners/A7 & A8, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C. and Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.13 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 30.01.2018, the accused persons took away the sand from the second petitioner land without getting any proper permission from the concerned Government authorities. But, the second petitioner consented for taking the sand. Hence, case has been registered against these petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the first petitioner is the driver of the vehicle and the second petitioner is the owner of the land. No previous case is pending against these petitioners. 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 first petitioner committed the theft of sand by using the vehicle. According to prosecution, as of now, the property which was used for the commission of offence has been recovered. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. In respect of the second petitioner, he had permitted the other accused to take the sand from his own land without any permission. Hence, this Court has decided to impose some stringent condition to the second petitioner/A8. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 second petitioner/A8 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.13 of 2018 before the Judicial Magistrate, Thiruvadanai, Ramanathapuram District, without prejudice his defence before the Trial Court.

(ii) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

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

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

06/02/2018

/ TRUE COPY /

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,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.S.KAMESWARAN Advocate SR.No.2147

msa

JAM/13/02/2018/CSL/ SAR 2 / 3p-6c

ORDER

IN

CRL OP (MD) No.1636 of 2018

Date :06/02/2018