



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

Friday, the Second day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1644 of 2018

S.RAJA,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VAMBAKKOTTAI POLICE STATION,
VEMBAKKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.40/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THIRUVARUTSELVAN Advocate

For Respondent : MR.K.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/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, read with Sections 4(1)(a) and 21(1) of Tamil Nadu Mines and Minerals (Development and Regulations) Act, in Crime No.40 of 2018, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have transported one unit of river sand through a Tractor bearing Registration No.TN67-A-6967 without obtaining any valid permission from the appropriate authority. The petitioner is the owner of the lorry.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent, he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner transported 1 unit of river sand through a Tractor bearing Registration No.TN67-A-6967



without obtaining any valid permission from the appropriate authority and the properties have been recovered. According to him, investigation is in progress.

5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioner committed theft of one unit of river sand by using a Tractor bearing Registration No.TN67-A-6967. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the property which was used for the commission of offence and the river sand are all recovered. Accordingly, custodial interrogation may not be necessary for completing the investigation. Hence, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur, 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 being the owner of the Tractor shall deposit a sum of Rs.25,000/- (Rupees twenty thousand only) to the credit of Crime No.40 of 2018 before the learned Judicial Magistrate No.II, Sattur;
- (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 make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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 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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sd/-
02/02/2018

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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, SATTUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE,
VAMBAKKOTTAI POLICE STATION, VEMBAKKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.G.THIRUVARUTSELVAN Advocate SR.No.1818

ORDER
IN
CRL OP(MD) No.1644 of 2018
Date :02/02/2018

SMA/PM-PN/SAR-4/13.02.2018:3P/6c