



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

Friday, the Second day of February Two Thousand Eighteen  
PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.1653 of 2018

1 CHANDRASAMY

2 PRAKASH

... PETITIONERS/ ACCUSED NO.3 AND 4

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
ETTAYAPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.  
IN CRIME NO.20/2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.G.THALAIMUTHARASU, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

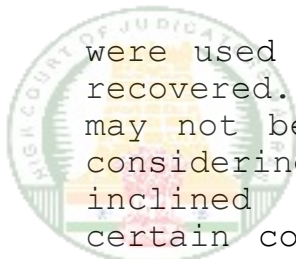
The petitioners/Accused Nos.3 & 4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC., and Section 21(1) of the Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.20 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners transported six units of river sand by using two Lorries (each three units) bearing Registration Nos.TN-52-D-2913 and TN47-S-2260 without obtaining any valid permission from the appropriate authority. Hence, the present case has been registered against the petitioners.

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

4. The learned Government Advocate (Criminal Side) submitted that the petitioners transported six units of river sand by using two Lorries bearing Registration Nos.TN-52-D-2913 and TN-47-S-2260 and the properties have been recovered. He further submitted that the petitioners are the owners of the vehicle. According to him, investigation is in progress.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners committed theft of six units of river sand by using two Lorries. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the properties which



were used for the commission of offence and the river sand are all recovered. Accordingly, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Kovilpatti, on condition that each of the petitioners 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 petitioners being the owners of the Lorries shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, to the credit of Crime No.20 of 2018, before the learned Judicial Magistrate No.II, Kovilpatti;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 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].

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, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
3. THE INSPECTOR OF POLICE,  
ETTAYAPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.1841

ORDER IN

CRL OP(MD) No.1653 of 2018

Date :02/02/2018