



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1713 of 2018

1 KANNAN

2 K.ANANDAN

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT,
IN CR.NO. 18 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.A.JAYARAMACHANDRAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

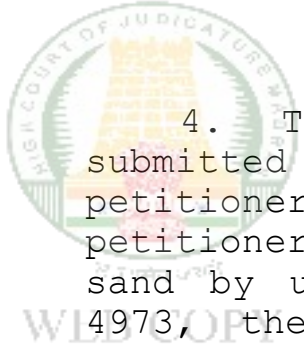
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC., r/w Section 21(4) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, in Crime No.18 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners transported three units of river sand by using a Tipper Lorry bearing Registration No.TN-54-4973 without obtaining any valid permission from the appropriate authority. Hence, the present case is registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and 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 there are totally 4 accused in this case, the petitioners are arrayed as A1 and A2. He further added that the petitioners have illegally transported three units of river sand by using a Tipper Lorry bearing Registration No.TN-54-4973, the first petitioner is the driver and the second petitioner is the owner of the lorry. According to the prosecution, the properties have been recovered and the investigation is in progress.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that the petitioners have committed theft of three units of river sand by using a Tipper Lorry bearing Registration No.TN-54-4973. 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. Hence, 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 District Munsif cum Judicial Magistrate, Karaikudi, on condition that the petitioner 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:

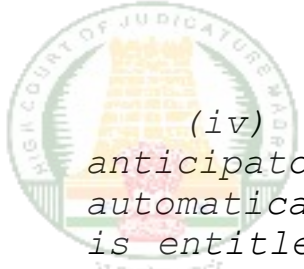
(i) the second petitioner/A2 being the owner of the Lorry shall deposit a sum of Rs.25,000/- to the credit of Crime No.18 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Karaikudi;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

(iii) the petitioners shall not abscond either during investigation or trial;

<https://hcservices.scribd.com/hcservices>



(iv) 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 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/-
05/02/2018

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI
- 2 TO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
PALLATHUR POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.JAYARAMACHANDRAN Advocate SR.No.1893

PJL
GJM/PM/PN/SAR-4-9.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1713 of 2018
Date :05/02/2018