



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1899 of 2018

1 ARUL NAMBI
2 ARUMUGAM

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE,
THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 35/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH, Advocate

For Respondent : M/S.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, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 (sand) IPC & Section 3(1) TNPPDL Act in Crime No.35 of 2018, seek anticipatory bail.

2.The case of the prosecution is that petitioners herein are the labourer. The petitioners have illegally transported 1/4 unit of river sand through Mini Tipper Lorry. Hence, the present case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the vehicle along with river sand were recovered. According to him investigation is still pending.



5. The submissions made by the learned counsels appearing on either side are considered. During the time of occurrence, the petitioners found in possession of 1/4 unit river sand. As of now, the Mini Tipper Lorry bearing Registration No. TN-39-4343, which was used for the commission of offence, was recovered by the investigating agency. Accordingly, custodial interrogation may not be necessary for completing the investigation.

6. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Nanguneri, 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 intend to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) 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.
- (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.
- (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 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/-
07/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.2108

ORDER

IN

CRL OP(MD) No.1899 of 2018

Date :07/02/2018

PK/RR-CSL/SAR-1/14.02.2018 : 3P/6C