



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1940 of 2018

1 RAJA
2 SARAVANAN
3 SUBRAMANIAN

... PETITIONERS / ACCUSED 1TO 3

Vs

THE STATE BY
THE INSPECTOR OF POLICE
MOOLAIKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.19 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.VENKATESH 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/A1 to A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 (sand theft) I.P.C., and Section 21(1)(iv) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.19 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 02.02.2018, based on the secret information, the defacto complainant, who is the Sub Inspector of Police along with his subordinates went to Chinna Moolaikaraipatti, they found that the petitioners herein had illegally transported the one unit of sand by using the Mahindra Tractor bearing Registration No.TN-31-Q-6122.Hence, case has been registered against the petitioner for the aboves said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not



committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that totally there are four accused in this case. A1 is the owner. A2 and A3 are the labours of the vehicle. A3 is having six previous cases and A2 is having three previous cases. During the time of occurrence, the property which was used for the commission of offence, has been recovered. According to him, investigation is still pending.

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 the sand theft to the tune of one unit. As of now, the property, which was used for the commission of offence has been recovered. So, custodial interrogation of the petitioners may not be necessary for completing the investigation. However, considering the quantity of river sand, which was involved for the commission of offence and also considering the fact that the first petitioner/A1 being the owner of the vehicle was illegally taking sand from the river bed, this Court has decided to impose some stringent condition for granting anticipatory bail to the first petitioner/A1. 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 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:

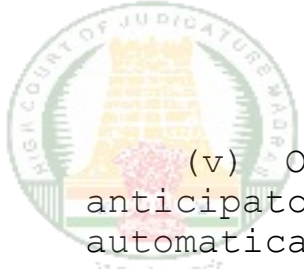
(i) The first petitioner/A1 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.19 of 2018 before the Judicial Magistrate, Nanguneri, without prejudice his defence before the Trial Court.

(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.

<https://hcservices.ecourts.gov.in/hcservices/>

(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/-
08/02/2018

/ TRUE COPY /

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

MSA
TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
MOOLAIKARAIPATTI 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.2188

GJM/PM/PN/SAR-4-14.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1940 of 2018
Date :08/02/2018