



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

Monday, the Twelfth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2124 of 2018

1 RIZO

2 JOSH BENZIGAR

... PETITIONERS/ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.14 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioners : 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.

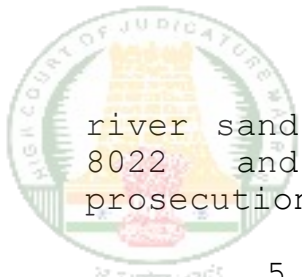
ORDER : The Court Made the following order :-

The petitioners/A4 & A5, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 379 of IPC., in Crime No.14 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are said to have illegally transported four units of sand through a Tarus Lorry bearing Registration No.TN-60-L-8022 without getting any proper permission from the appropriate authority. Hence, the case has been registered against the petitioners and other accused for the above said crime.

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

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that that the petitioners along with other accused transported four units of



river sand by using a Tarus Lorry bearing Registration No.TN-60-L-8022 and the properties have been recovered. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners herein working as Liaison Officers and made arrangement for illegal transporting of four units of river sand in a Tarus Lorry bearing Registration No.TN-60-L-8022. As of now, the property which was used for the commission of offence and the river sand are all recovered. However, considering the nature of offence committed by the petitioners, 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 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 intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) each of the petitioners shall deposit a sum of **Rs.10,000/-** (Rupees ten thousand only) to the credit of Crime No.14 of 2018 on the file of the learned Judicial Magistrate, Nanguneri;

(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;

(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/-
12/02/2018

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE
NANGUNERI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
NANGUNERI 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.2340

ORDER

IN

CRL OP (MD) No.2124 of 2018

Date :12/02/2018

PK/RR-CSL/SAR-1/15.02.2018 : 3P/6C