



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2223 of 2018

BALASUBRAMANIAN,

... PETITIONER/ ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.18 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SURESH Advocate

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

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

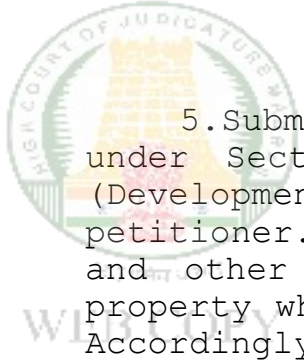
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.rank not knwn, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 of I.P.C and 21 (iv) of Mines and Minerals (Development & Regulation) Act, registered in Crime No.18 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 27.01.2018, the defacto complainant found the accused persons with 3 unit of River sand without any Government permit, licence who has illegally transported the sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged by the prosecution and he is in no way connected with the offences, hence he pleads for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the investigation is still pending.



5.Submissions made on either side disclose that the offence under Section 379 of I.P.C and 21 (iv) of Mines and Minerals (Development & Regulation) Act, has been registered against the petitioner. During the time of alleged occurrence, the petitioner and other accused stolen the river sand by using lorry. The property which was used for the commission of offence is recovered. Accordingly, the custodial interrogation of the petitioner may not necessary for completing the investigation.

6.Considering the facts and circumstances of this case, with regard to the petitioner is concerned, this Court is inclined to grant anticipatory bail to him. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate cum District Munsif, Karaikudi, on condition that the petitioner 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 petitioner shall directed to deposit a sum of Rs.5,000/-(Rupees Five Thousand only) into the Crime Number before the Judicial Magistrate-cum-District Munsif, Karaikudi.

(ii) the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
13/02/2018

/ TRUE COPY /

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



TM
TO

1 THE JUDICIAL MAGISTRATE-CUM-DISTRICT MUNSIF,
KARAIKUDI.

2 DO 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.M.SURESH Advocate SR.No.2397

GJM/PM/PN/SAR-3-16.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.2223 of 2018

Date :13/02/2018