



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2413 of 2018

1 PRABHU
2 KANDASAMY

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE
THIRUVEGAMPATHUR POLICE STATION,
SIVAGANGAI DISTRICT
(CR.NO.11/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.RAMESHKUMAR Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 21 (4) of Mines and Minerals Act and Section 379 of IPC, in Crime No.11 of 2018, seek anticipatory bail.

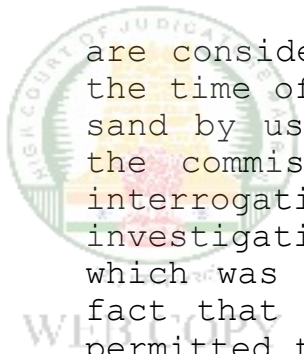
2.The case of the prosecution is that when the respondent Police was conducted ride on 08.02.2018, the petitioners, alleged to have transported the river sand, by using the Tractor. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that A2 is the driver and A1 is the owner of the Tractor. The stolen properties as well as the Tractor has been recovered by the respondent police. According to him, investigation is not completed.

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

5.The submissions made by the learned counsel on either side



are considered. According to prosecution, it is alleged that during the time of occurrence, the petitioners committed the theft of river sand by using Tractor. As of now, the property which was used for the commission of offence has been recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioners and also considering the fact that the first petitioner/A1 being the owner of the vehicle, permitted to use the lorry which was owned by him for the commission of offence, this Court has imposed 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, Devakottai, 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.11 of 2018 on the file of the learned Judicial Magistrate, Devakottai, 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.

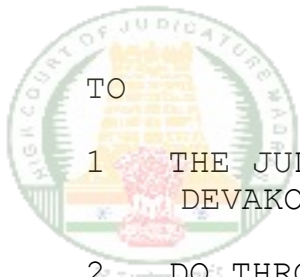
(iv) the petitioners shall not abscond either during investigation or trial.

(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/-
15/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI , SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT

3 THE SUB-INSPECTOR OF POLICE
THIRUVEGAMPATHUR POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.2562

TRP

JAM/20/02/2018/PM-PN/ SAR 2/ 3P-6C

ORDER

IN

CRL OP (MD) No.2413 of 2018

Date :15/02/2018