



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.2423 of 2018

MURUGAN

... PETITIONER / ACCUSED No.5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT ,
IN CR.NO. 41/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.A.EBENEZER Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

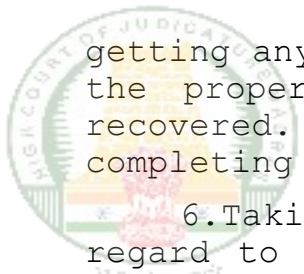
The petitioner / A5, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC and Section 21 (1) & 21 (4) of Mines and Minerals (Development and Regulation) Act and Section 3 (1) of TNPPDL Act in Crime No.41 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein is the labourer. The petitioner along with six other accused have illegally transported one fourth unit of river sand through Bajaj Load Auto.

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

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

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner being the labourer, joined together with six other accused have broken the river bed. Subsequently, all accused have taken away the one fourth unit of river sand, without



getting any permission from the appropriate authorities. As of now, the property which was used for the commission of offence was recovered. Hence, 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 petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Nanguneri, 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

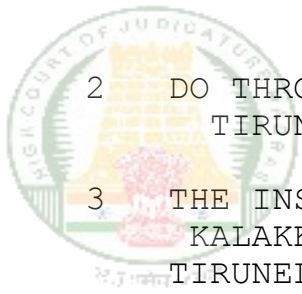
sd/-
15/02/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

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.T.A.EBENEZER Advocate SR.No.2566

GNS

JAM/28/02/2018/PM-PN/ SAR 3 / 3P-6C

ORDER

IN

CRL OP (MD) No.2423 of 2018

Date :15/02/2018