



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2441 of 2018

1 RAJAMANI  
2 THIRUNAVUKARASU  
3 SURESH

... PETITIONERS/ACCUSED No.1,2 & 3

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
POOVANTHI POLICE STATION,  
SIVAGANGAI DISTRICT,  
IN CRIME NO.16/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.KARUNANIDHI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,

Govt. Advocate ( Crl. Side)

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

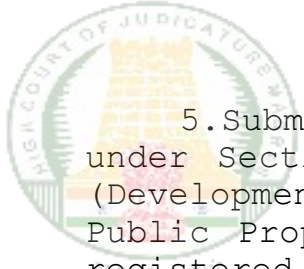
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1, 2 and 3, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 of I.P.C., r/w Section 21(1) of Mines & Minerals (Development & Regulation Act, 1957 and Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992, registered in Crime No.16 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was in duty along with other officials found that the petitioners illegally transported the river sand by using one lorry bearing registration No. TN 67 A 1747 and damaged the river bed.

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

4.The learned Government Advocate (Crl. Side) submitted that the investigation is still pending. According to him, the vehicle involved in this offence was recovered and as per the FIR the 1<sup>st</sup> petitioner is the owner of the lorry.



5.Submissions made on either side disclose that the offence under Section 379 of I.P.C.,r/w Section 21(1) of Mines & Minerals (Development & Regulation Act, 1957 and Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992, has been registered against the petitioner. During the time of alleged occurrence, the petitioners 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 petitioners may not be 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 the petitioners. 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 No.II, Sivagangai 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) the petitioner shall directed to deposit a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) into the Crime Number before the Judicial Magistrate No.II, Sivagangai.

(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/-  
22/02/2018

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TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI

2 THE CHIEF JUDICIAL MAGISTRATE  
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE  
POOVANTHI POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to M/S.R.KARUNANIDHI Advocate SR.No.2873

ORDER

IN

CRL OP(MD) No.2441 of 2018

Date :22/02/2018

SMA/VC/SAR-2:01.03.2018:3P/6C