



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2947 of 2018

1 SURESH,
2 ALAGARSAMY,

... PETITIONERS / ACCUSED NO.1&2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
ANDIPATTI TALUK, THENI DISTRICT.
CRIME NO.123 OF 2018. ... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.M.A.M.RAJA 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 petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, r/w. 379 of IPC, in Crime No.123 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have transported the sand illegally by using Tractor bearing Regn. No.TN 60J 4926. 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 and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the first petitioner is the owner of the vehicle and the second petitioner is the



driver of the Lorry. He further submitted that the stolen properties as well as the Tractor have been recovered and the investigation is not yet completed.

5. The submissions made by the learned counsel on either side are considered. It is alleged, during the time occurrence, the first petitioner being the owner of the vehicle, permitted the second petitioner in this case for taking the sand without getting any permission from the appropriate authority. As of now, the property owned by the first petitioner, which was used for commission of offence was 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 being the owner of the vehicle, permitted to use the lorry which was found by him for the commission of offence, this Court has imposed some stringent condition for granting anticipatory bail to the first petitioner.

6. 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-Cum-District Munsif, Andipatti, 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 first petitioner / A1 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.123 of 2018 before the learned Judicial Magistrate-Cum-District Munsif, Andipatti, without prejudice his defence before the Trial Court.

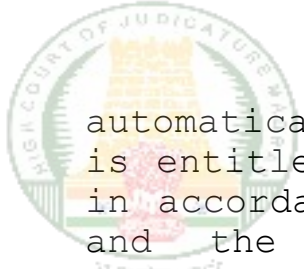
(ii) the petitioners shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for interrogation.

(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.

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

(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/-
23/02/2018

/ TRUE COPY /

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

TRP
TO

- 1 THE JUDICIAL MAGISTRATE-CUM-DISTRICT MUNSIF, ANDIPATTI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION, ANDIPATTI TALUK,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.A.M.RAJA Advocate SR.No.3062

GJM/CM/VR/SAR-4-2.3.18-3P-6C

ORDER
IN
CRL OP(MD) No.2947 of 2018
Date :23/02/2018