



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.2948 of 2018

MUNIASAMY,

... PETITIONER/NAME NOT
FOUND IN FIR

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION, THOOTHUKUDI.
(CRIME NO.8 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.NIRMAL KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Cr1. 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, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 379 of IPC in Crime No.8 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are said to have transported the river sand illegally, by using 2 Tipper Lorries. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the property has been recovered and the investigation is not yet completed.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner committed the theft of river sand, by using two Tipper Lorries. As of now, the property which was used for the commission of offence has been recovered. Accordingly, in order to complete the investigation, the custodial interrogation of the petitioner may not be necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Vilathikulam, Thoothukudi District, 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/-

23/02/2018

/ TRUE COPY /



trp
TO

1 THE JUDICIAL MAGISTRATE
VILATHIKULAM, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION, THOOTHUKUDI.

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

GJM/CM/VR/SAR-4-2.3.18-3P-5C

ORDER
IN
CRL OP (MD) No.2948 of 2018
Date :23/02/2018