



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3120 of 2018

SANTHANAPANDIAN @ SANTHANAPANDI
Vs

... PETITIONER/ACCUSED NO.2

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.40 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.J.CHAKKARAVARTHY, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

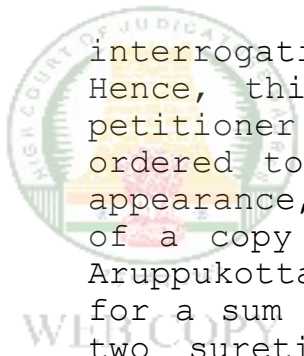
The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, read with Sections 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.40 of 2018, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have illegally transported the sand through vehicle. The petitioner is the owner of the vehicle.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that the vehicle was seized by the respondent police and the investigation is still pending. He further submitted that the petitioner has no previous case.

5.The submissions made by the learned counsel appearing on either side are considered. During the time of alleged occurrence, without getting any permission, using the Lorry, the petitioner herein taken away river sand. Now, the learned Government Advocate (Criminal Side) submitted that the property which was used for commission of offence was recovered. Except the above allegation, no other allegation is levelled against this petitioner. Considering the nature of offence committed by the petitioner, custodial



interrogation is not necessary for completing the investigation. Hence, 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, Aruppukottai 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 deposit a sum of Rs.25,000/- (Rupees twenty five thousand only) to the credit of Crime No.40 of 2018 before the learned Judicial Magistrate, Aruppukottai, without prejudice to his defence before the trial Court;

(ii) 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;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioner shall not commit any offence while on bail;

(vi) on breach of any of the aforesaid conditions, the 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 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/-

28/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.J.CHAKKARAVARTHY Advocate SR.No.3227

ORDER IN

CRL OP(MD) No.3120 of 2018

Date :28/02/2018