



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.331 of 2018

SUSAI RAJ @ SENTHIL

... PETITIONER/ACCUSED-1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.3 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.RAJESHWARAN Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

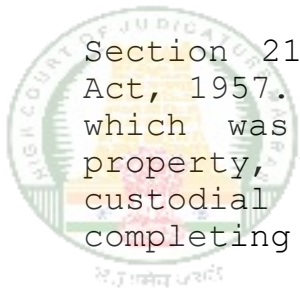
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.3 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner involved in illegal transport of sand. Hence, the present complaint is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that due to previous enmity, a false case has been foisted against the petitioner and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner along with other accused transported one unit of sand in a tractor. She further submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offence under Section 379 IPC and



Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. According to the prosecution, the property, ie., tractor, which was used for the commission of offence and the stolen property, which is one unit of sand, were recovered. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation.

6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, 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, Devakottai, 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 10.30 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 not abscond either during investigation or trial;

(v) 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 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/-
09/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.429

ORDER

IN

CRL OP(MD) No.331 of 2018

Date :09/01/2018

PK/CM-VR/SAR-4/11.01.2018 : 3P/6C