



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3312 of 2018

K.SURIYA,

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

(*)CRIME NO.16/2018.

**(AMENDED AS PER ORDER OF
THIS HON'BLE COURT MADE IN
CRL MP (MD)NO.1851/2018 IN
CRL OP (MD)NO.3312/2018
DATED 12.03.2018)**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.GOWRISANKAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

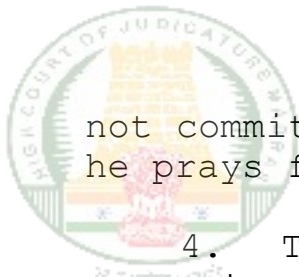
ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section **(*)21(4) of Mines and Minerals (Development and Regulation) Act, 1957,** in **(*)Crime No.16 of 2018,** seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have illegally transported river sand through the Tractor without getting any proper permission from the appropriate authority. The petitioner is the owner of the vehicle. Hence, the case has been filed for the above said incident.

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

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has



not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail for the petitioner.

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.

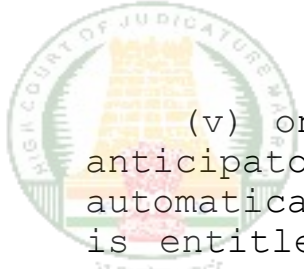
5. The submissions made by the learned counsels appearing for either side are considered. The learned Additional Government Advocate (Crl. side) fairly conceded that the petitioner has committed the offence for the first time. Further, on going through the facts of the case, during the time of alleged occurrence, the petitioner illegally transported river sand through Tractor without getting any proper permission and the properties were recovered. Further, except the above allegation, no other allegation is levelled against this petitioner. Considering the nature of offence committed by the petitioner, custodial interrogation may not be 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, Thiruvadanai, 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 being the owner of the vehicle shall deposit a sum of Rs.25,000/- (Rupees twenty five thousand only), as cost, to the credit of Crime No.16 of 2018, before the learned Judicial Magistrate, Thiruvadanai, 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 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/-
12/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVADANI
- 2 DO THROGUH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/RR/CSL/SAR-I-20.3.18-3P-5C

ORDER
IN
CRL OP(MD) No.3312 of 2018
Date :12/03/2018