



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

Tuesday, the Ninth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.362 of 2018

1 BALAMURUGAN
2 MAHESH
3 MUTHUKUMAR
4 SARAVANAKUMAR

... PETITIONER/
ACCUSED No.1,3,4,5

Vs

1 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 2/2018)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.G.THALAIMUTHARASU Advocate
For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

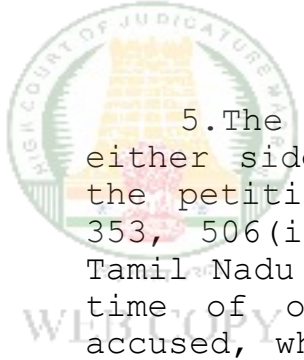
ORDER : The Court Made the following order :-

The petitioners/A1, A3, A4 & A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 353, 506(ii) and 379 IPC read with Sections 21(i) and 21(iv) of the Tamil Nadu Mines and Minerals Act, in Crime No.2 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners transported half unit of sand in the Tractor without obtaining any valid permission. Hence, the present complaint is registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are Agriculturist and coolie workers and they have transported the sand for agricultural purpose and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) submitted that the petitioners along with other accused transported half unit of sand in the 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 petitioners for the alleged offences under Sections 294 (b), 353, 506(ii) and 379 IPC read with Sections 21(i) and 21(iv) of Tamil Nadu Mines and Minerals Act. It is alleged that during the time of occurrence, the petitioners are along with one another accused, who is arrayed as A2 in this case, committed this offence. As of now, the property which was used for the commission of offence as well as the stolen property have been recovered. Hence, nothing has to be recovered by way of custodial interrogation.

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 petitioners, with certain conditions. 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, Sankarankovil 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month 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;

(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 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 /



TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.401

ORDER

IN

CRL OP(MD) No.362 of 2018

Date :09/01/2018

SMA/PN/SAR-3/10.01.2018:3P/6C