



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

Tuesday, the Thirteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3855 of 2018

M.SELVARASU

... PETITIONER(S) / ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION, KARUR DISTRICT.
(CRIME NO.362 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.DEEPAK, Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

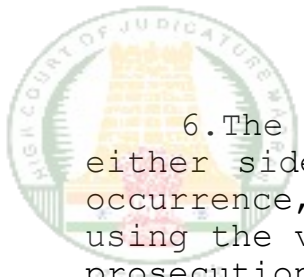
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 21(1) (A) (B) of Mines & Minerals Act, 1957, r/w. 379 I.P.C., in Crime No.362 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant conducted a raid, at that time, he found that the petitioner had illegally transported the sand by using the vehicle. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Advocate) appearing for the State submitted that the petitioner herein is a driver. The stolen properties and the vehicle, which was used for the commission of offence had been recovered. According to him, investigation is still pending.



6.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner had illegally transported the sand by using the vehicle. The petitioner herein is the driver. According to prosecution, as of now, the stolen properties and the vehicle, which was used for the commission of offence had been recovered. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Accordingly, he 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 No.I, Karur, 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/-
13/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION,
KARUR DISTRICT.

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

+1. CC to M/S.C.DEEPAK, Advocate SR.No.54955.

ORDER

IN

CRL OP(MD) No.3855 of 2018

Date :13/03/2018

SDS/PN/SAR.2/20.03.2018/3P/6C