



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4199 of 2018

1 CHELLAKALAI

2 BALU

3 ESWARAN @ KULLI

... PETITIONERS/ACCUSED NO.2 TO 4

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

GANDAMANUR VILAKKU POLICE STATION,

THENI DISTRICT,

CRIME NO. 38/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN Advocate

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

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

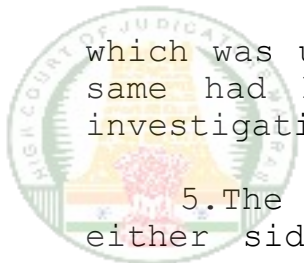
ORDER : The Court Made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 379 I.P.C., and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.38 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 07.01.2018, the Inspector of Police had conducted the vehicle check up, at that time, he found that the petitioners had transported two unit of river sand by using the Tipper Lorry bearing Reg.No.TN-57-K-5112. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the stolen properties and the vehicle,



which was used for the commission of offence were recovered and the same had been remanded in PR.No.37 of 2018. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners herein committed the theft of Vaigai River sand to the tune of two units. The petitioners herein are labourers. According to prosecution, as of now, the stolen properties and the vehicle, which was used for the commission of offence have been recovered. Hence, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, considering the facts and circumstances of the case, this Court inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Andipatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

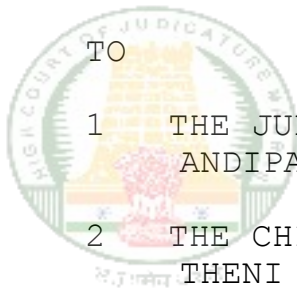
(iii) the petitioners shall not abscond either during investigation or trial.

(iv) 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 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/-
16/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
GANDAMANUR VILAKKU POLICE STATION, THENI DISTRICT.

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

MSA

CSL/PN/SAR-I/03.04.2018 : 3P/5C

ORDER

IN

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Date :16/03/2018