



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4351 of 2018

1 KASIMAYAN
2 ESWARAN
3 ASAI
4 NAGARAJ
5 M.RAJANI
6 SUNDAN THEVAR

... PETITIONERS/ACCUSED 2 to A5
... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT
(CRIME NO. 70/2018)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.C.JEGANATHAN for M/S.VEERA ASSOCIATES 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, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w. Section 21(1) of Mines and Minerals Act, 1957 in Crime No.70 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused are said to have transported 3 ½ units of river sand, illegally by using bullock cart. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the properties were recovered and the investigation is pending.

5.The submissions made by the learned counsel appearing on either side are considered.



6. It is alleged that during the time of occurrence, the petitioners committed the theft of river sand to the tune of 3 ½ units, by using bullock cart. As of now, the properties which were used for the commission of offence have been recovered. In such circumstances, in order to complete the investigation, the custodial interrogation of the petitioners may not be necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on there appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 10.00 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/-
20/03/2018

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



trp
TO

1 THE JUDICIAL MAGISTRATE,
THENI

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION,
THENI DISTRICT

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

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.4394

ORDER

IN

CRL OP(MD) No.4351 of 2018

Date :20/03/2018

SMA/CM-VR/SAR-1/26.03.2018:3P/6C