



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.454 of 2018

AROCKIYASAMY,

... PETITIONER/ACCUSED NO.3

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
(CR.NO.12/2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.PRABU Advocate

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

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

ORDER : The Court Made the following order :-

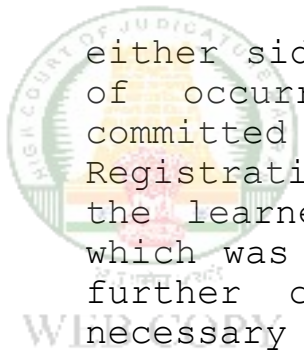
The petitioner/accused No.3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 I.P.C., and Section 21(1) of Mines and Minerals Regulation Act, in Crime No.12 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused illegally transported 1-1/2 unit of river sand without obtaining any valid permission from the appropriate authority.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle and he would further submit that the petitioner is an innocent person and he is no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel appearing on



either side are considered. It is alleged that during the time of occurrence, the petitioner along with other accused committed offence of sand theft by using the vehicle bearing Registration No.TN-45-BV-6026. As per the submission made by the learned Government Advocate (Criminal Side), the vehicle which was used for the commission of offence was recovered. So further custodial interrogation of the petitioner is not necessary for completing the investigation.

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 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, Manapparai, 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 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 four 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 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/-
12/01/2018

/ TRUE COPY /

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



ps
TO

1 THE JUDICIAL MAGISTRATE, MANAPPARAI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, TRICHY DISTRICT.

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

+1. CC to M/S.M.PRABU Advocate SR.No.699

GJM/PM/PN/SAR-I-18.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.454 of 2018
Date :12/01/2018