



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4697 of 2018

1 CHELLARAJA
2 MUTHUKUMAR
3 MUTHU

... PETITIONERS / ACCUSED NO.2 TO 4

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO. 70/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.KARUNANIDHI Advocate

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

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

ORDER : The Court Made the following order :-

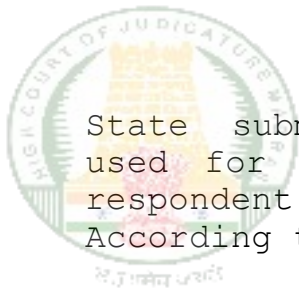
The petitioners/Accused Nos.2 to 4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 I.P.C., r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 3 of the Tamil Nadu Public Property (Prevention of Damages & Loss) Act, 1992, in Crime No.70 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Village Administrative Officer was in duty, at that time, he found that the petitioners herein had loaded the sand illegally by using the Tractor bearing Registration No.TN-65-Z-1868. 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 in this case, they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.side) appearing for the



State submitted that the stolen property and the tractor, which was used for the commission of offence have been recovered by the respondent police and the same were remanded in PR.No.55 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 had transported the sand illegally by using the tractor. According to prosecution, as of now, the stolen property and the property which was used for the commission of offence have been recovered. Further, the petitioners are labourers. So, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is 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, Manamadurai, Sivagangai District, 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, 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/-
27/03/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE
MANAMADURAI, SIVAGANGAI

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT

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

+1. CC to M/S.R.KARUNANIDHI Advocate SR.No.4866

GJM/PN/SAR-I-6.4.18-3P-6C

ORDER

IN

CRL OP(MD) No.4697 of 2018

Date :27/03/2018