



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.506 of 2018

VIJAYAKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
VANGAL POLICE STATION,
VANGAL, KARUR DISTRICT,
IN CR.NO.317/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.GOKUL RAJ, Advocate

For Respondent : M/S.K.SUYAMBULING BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

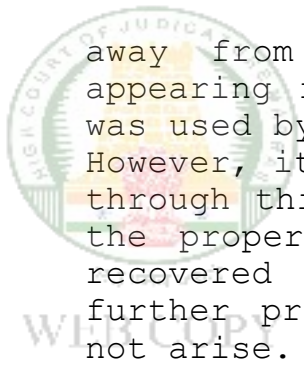
The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 I.P.C., read with Section 21(1)(a)(b) of Mines and Minerals Act, 1957, in Crime No.317 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused illegally transported 4-1/2 unit of sand without obtaining any valid permission from the appropriate authority.

3.The learned counsel appearing for the petitioner submitted 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 herein was found in possession of 4-1/2 units of sand in a lorry. After seeing the police officials, he ran



away from the place of occurrence. Now, the learned counsel appearing for the petitioner submitted a copy of the permit, which was used by the petitioner for the purpose of transporting the sand. However, it is not necessary for the petitioner to drive the vehicle through this occurrence place for reaching Mettupalayam. As of now, the property, which was used for the commission of offence, was recovered and handed over to the learned Judicial Magistrate for further proceedings. So, question of custodial interrogation does not arise.

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 No. II, Karur, Karur District 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 one month 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

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



TO

1 JUDICIAL MAGISTRATE NO.II, KARUR

2 THE CHIEF JUDICIAL MAGISTRATE, KARUR

3 THE SUB INSPECTOR OF POLICE,
VANGAL POLICE STATION, VANGAL,
KARUR DISTRICT.

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

+1. CC to M/S.S.GOKUL RAJ Advocate SR.No.729

ORDER

IN

CRL OP(MD) No.506 of 2018

Date :12/01/2018

PK/RR-CSL/SAR-3/19.01.2018 : 3P/6C