



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.507 of 2018

1 CHANDRA MOHAN
2 CHINNADURAI

... PETITIONERS / ACCUSED NOS.5 AND 7

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT
(IN CRIME NO.1 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners:M/S.M.SURESH Advocate

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

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

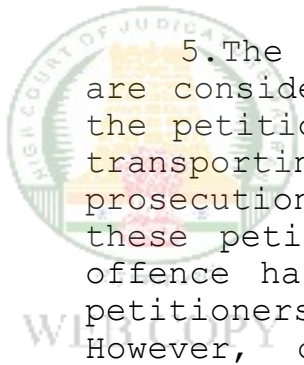
ORDER : The Court Made the following order :-

The petitioners/A5 and A7, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the Village Administrative Officer and his team while on routine check up, the first and second accused in this case have transported 5 units of sand by using the lorry. Thereafter, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioners herein are the owner of the vehicles. The petitioners are innocent persons and they have been falsely implicated in this case, 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 respondent police submitted that the petitioners are the owners of the vehicles. He further submitted that the stolen properties as well as the Lorry, which was used for transportation of 5 unit of river sand was recovered. According to him investigation is pending.



5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioners are permitted to use the lorry belongs to them for transporting the sand without getting valid license. According to prosecution, the alleged offence was happened with the consent of these petitioners. The property which was used for commission of offence has been recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the nature of offence committed by the petitioners, this Court has imposed some stringent condition for granting 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, Vilathikulam, 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 /A5 & A7 each shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.1 of 2018 before the Judicial Magistrate Vilathikulam, without prejudice to their defence before the Trial Court.

(ii) the petitioners shall report before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

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

(v) 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/-
23/01/2018

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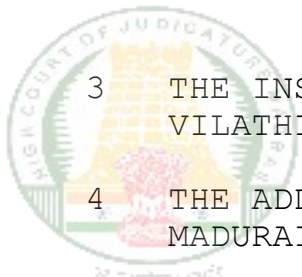
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, VILATHIKULAM.

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3 THE INSPECTOR OF POLICE
VILATHIKULAM POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.SURESH Advocate SR.No.1188

ORDER

IN

CRL OP(MD) No.507 of 2018

Date :23/01/2018

MKV-PM-PN-SAR 3/29.1.2018/3P-6C