



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.522 of 2018

KULANTHAIVEL

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION,
THENI DISTRICT ,
(CRIME NO. 4/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.A.AJMALKHAN Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

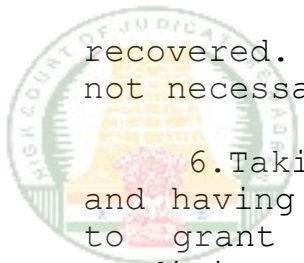
The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC, Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.4 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner transported one unit of sand through Tractor without obtaining any valid permission from the appropriate authority. Hence, the present complaint is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the vehicle has been seized and the petitioner is the driver of the said vehicle. She further submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offence under Section under Section 379 IPC, Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. As per the representation made by the learned Government Advocate (Criminal side) the stolen property and the vehicle, which was used for the commission of offence, have been



recovered. Accordingly, 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, Periyakulam 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three 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/-

11/01/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM, THENI DISTRICT
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
3 THE SUB INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION, THENI DISTRICT
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.S.A.AJMALKHAN Advocate SR.No.711

JAM/18/01/2018/RR/ SAR 2 / 2P-6C