



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.644 of 2018

G.MURALI SANKAR,

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
LALPET POLICE STATION,
KARUR DISTRICT.
IN CRIME NO.369 OF 2017.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.ARVIND RAJ Advocate

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

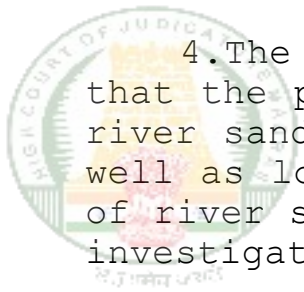
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / Rank not Known, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 I.P.C., and Section 21(1) of Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.369 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the defacto complainant along with other officials, while on night rounds, captured 3 lorries with sand in the river bank of Cauvery. Thereby, the respondent police registered a case against the petitioner herein.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is no way connected with the offence, and pleads for grant of anticipatory bail to the petitioner. However, the learned counsel for the petitioner submitted that the petitioner is willing to deposit a sum of Rs.10,000/- to the credit of Crime No.369 of 2017 before the Judicial Magistrate No.I, Kulithalai, without prejudice his defence before the trial Court.



4. The learned Government Advocate (Criminal Side) submitted that the petitioner has illegally transacted the 4-1/2 unit of river sand. He further submitted that the stolen properties as well as lorry, which was used for transportation of 4-1/2 unit of river sand, illegally, has been recovered. According to him, investigation is not completed.

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6. Considering the submissions made on either side, it disclose that during the time of alleged occurrence, the petitioner stolen away the 4-1/2 unit of river sand by using the Lorry bearing registration No. TN-32-AE-4956. As per the prosecution, the stolen sand as well as the lorry, which was used for transportation has been recovered. Hence, custodial interrogation is not necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioner, this Court has imposed some stringent condition for granting anticipatory bail to the petitioner subject to certain conditions. Accordingly, he 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. I, Kulithalai, 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 deposit a sum of Rs. 10,000/- (Rupees Ten Thousand only) to the credit of Crime No. 369 of 2017 before the Judicial Magistrate No. I, Kulithalai, without prejudice his defence before the trial Court.

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

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

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

(v) 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 and the petitioner 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/-
12/01/2018

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

msa
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KULITHALAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
LALPET POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ARVIND RAJ Advocate SR.No.669

GJM/CM/VR/SAR-I-17.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.644 of 2018
Date :12/01/2018