



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.679 of 2018

C.MUNIYARAJ,

... PETITIONER/ACCUSED
(RANK NOT KNOWN)

Vs

STATE, REP.BY
THE INSPECTOR OF POLICE,
AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO.2 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.SARAVANAKUMAR 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/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC., r/w Section 21(1) of Mines and Minerals Act, in Crime No.2 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.01.2018, the petitioner illegally transported one ½ unit of river sand through TATA ACE 207 vehicle without obtaining any valid permission from the appropriate authority. Hence, the present case is registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he 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 petitioner is the owner of the offending



vehicle. On the date of occurrence, the petitioner was illegally transported ½ unit of river sand through his TATA ACE 207 Mini Lorry without obtaining any valid permission. He further submitted that the property involved in the commission of offence along with the materials have been recovered. According to the prosecution, the 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 Sections 379 of IPC., r/w Section 21(1) of Mines and Minerals Act. During the time of the alleged occurrence, the petitioner herein, being the owner of the TATA ACE Mini Lorry has committed the theft of ½ unit of river sand. As of now, according to the prosecution, the said property, which was involved in the commisison of offence was recovered along with the river sand. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, considering the above said facts and also considering the fact that the petitioner, being the owner of the offending vehicle, knowingly committed the offence, this Court is inclined to grant anticipatory bail to the petitioner with some **stringent 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Sattur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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:

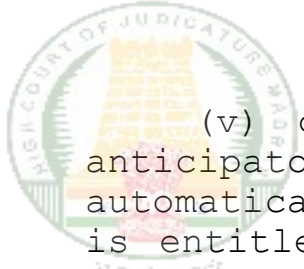
(i) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.2 of 2018, before the learned Judicial Magistrate No.II, Sattur;

(ii) 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;

(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;

<https://hcservices.gov.in>



(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 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/-
25/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 - 3 THE INSPECTOR OF POLICE,
AMMAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.KALAIYARASI BHARATHI Advocate SR.No.1358

PJL
GJM/RR/SAR-2-1.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.679 of 2018
Date :25/01/2018