



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.818 of 2018

K.MUNIYANDI

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
POOVANTHI,
SIVAGANGAI DISTRICT.
(CRIME NO.6 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.MALAIYENDRAN, Advocate

For Respondent : M/S.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/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 (1) of TNPPDL Act in Crime No.6 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused stolen the channel gravel through JCB Vehicle bearing Registration No.TN 63 AL 9753 without any permission. Hence, the case has been registered 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 been committed any offence as alleged, he is no way connected with the offence, and pleads for grant of anticipatory bail.

4.The learned Government Advocate (Criminal Side) submitted that the no previous case is pending against the petitioner. He



further submitted that 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 Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of TNPPDL Act. It is alleged that during the time of occurrence, the petitioner and other one accused damaged the river-bed by using JCP. Now, the said JCP was recovered and remanded to the judicial custody. Therefore, custodial interrogation of the petitioner is not necessary for completing the investigation. Considering the facts and circumstances of this case, 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, Sivagangai, 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 10.00 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 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/-

22/01/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI

3 THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION, POOVANTHI, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.V.MALAIYENDRAN Advocate SR.No.1086

ORDER
IN
CRL OP(MD) No.818 of 2018
Date :22/01/2018

PK/PM-PN/SAR-4/24.01.2018 : 3P/6C