



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.819 of 2018

1 SENTHAMARAI

2 THANGAVEL

... PETITIONERS / ACCUSED NOS.1&3

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

THIRUTHANGAL POLICE STATION,

VIRUDHUNAGAR DISTRICT,

(CRIME NO. 16/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.JOTHIBASU 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 petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the offence under Section 379 I.P.C., r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.16 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 09.01.2018, the Sub-Inspector of Police along with police officials have intercepted the Tractor Trailer bearing Registration Nos.TN-67-AZ-9810 and TN-67-AZ-9831. At that time, they found that the petitioners have illegally transported one unit of sand, worth about Rs.4,000/-, without any valid licence. Hence, the respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that A1 is the owner, A2 is the driver and A3 is the load man of the tractor trailer. He further submitted that based on the confession statement of A2, these petitioners have been falsely implicated in this case and they have not



committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that there are totally three accused in this case. A2 was already arrested and remanded to judicial custody. Based on the confession statement of A2, these petitioners have been implicated in this case. According to him investigation is not completed.

5. Considering the submissions made by the learned counsel on either side, it appears that the offence under Sections 379 I.P.C., r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.16 of 2018, has been registered against the petitioners. According to prosecution, during the time of alleged occurrence, the petitioners stolen away the sand by using the tractor trailer and the same has been recovered. So, nothing to be recovered by way of further custodial interrogation. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioners subject to the certain conditions. 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 No.II, Sivakasi, 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 shall report before the respondent police every Monday at 10.00 a.m for a period of two weeks, thereafter as and when required for interrogation.

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

(iii) the petitioners 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 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].

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sd/-  
18/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE SUB INSPECTOR OF POLICE  
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.JOTHIBASU Advocate SR.No.926

MSA/LS  
GJM/RR/CSL/SAR-2-24.1.18-3P-6C

ORDER  
IN  
CRL OP(MD) No.819 of 2018  
Date :18/01/2018