



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

Monday, the Twenty Second day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.881 of 2018

THIRUPATHI

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
(CRIME NO. 13/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. 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 379 IPC and Section 21 (1) of Mines and Minerals Act in Crime No.13 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.01.2018 the petitioner along with other accused transported 1/4 unit of river sand in the tractor without obtaining any valid permission from the appropriate authority. 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 committed any offence as alleged, he is no way connected with the offence, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner along with other accused transported 1/4 unit of sand in the tractor and the petitioner is having three previous cases, those cases registered in the year of 2010 and 2015



respectively. 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 379 IPC and Section 21 (1) of Mines and Minerals Act. It is alleged that during the time of occurrence, the petitioner and along with help of three other accused committed theft of river sand to the tune of $\frac{1}{4}$ unit river sand. Even though, the petitioner is having three previous cases, those cases were registered in the year 2010 and 2015 respectively. In fact, in the year 2010 and 2015 there is no scarcity for the river sand because the Government granted permission to take the river sand. At this juncture, considering the quantity of river sand, which was transported by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, 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, Rajapalayam 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

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



TO

1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.1092

ORDER

IN

CRL OP(MD) No.881 of 2018

Date :22/01/2018

SMA/RR-CSL/SAR-2/25.01.2018:3P/6c