



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.944 of 2018

1 MANIKANDAN
2 S.RENGAN
3 A.ANTO SINU

... PETITIONERS/ ACCUSED NO.6,7 & 8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 5 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.M.PRABU, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

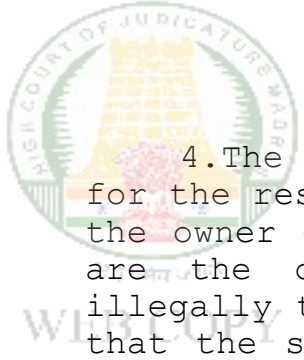
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A6, A7 and A8, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC and Section 21(1) Mines and Minerals Regulation Act, in Crime No.5 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Sub Inspector of Police, checked the petitioner's Tipper Lorry Vehicle bearing Registration No.TN-31-AJ-0379 and TN-38-AM-7973, he found that the petitioners have illegally transported the 3 unit of river sand without any valid permit. Hence, case has been registered against these petitioners.

3.The learned counsel appearing for the petitioners submitted that A1 to A5 were arrested and remanded to judicial custody. The petitioners herein are innocent persons and they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Advocate) appearing for the respondent police submitted that the first petitioner/A6 is the owner of the vehicle. The second and third petitioners/A7 & A8 are the drivers of the vehicle. The petitioners herein have illegally transacted the 3 unit of river sand. He further submitted that the stolen properties as well as the Tipper Lorry, which was used for transportation of 3 unit of river sand, illegally, have been recovered. According to him, investigation is not completed.

6. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the petitioners stolen away the 3 unit of river sand by using the Lorry bearing registration Nos. TN-31-AJ-0379 and TN-38-7973. According to prosecution, the stolen sand as well as the Tipper Lorry, which was used for transportation of 3 unit of river sand, illegally, has been recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, since the first petitioner/A6 being the owner of the property, this Court has imposed some stringent condition for granting anticipatory bail to the first petitioner/A6. 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, Kovilpatti, 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 first petitioner/A6 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.5 of 2018 before the Judicial Magistrate No. II, Kovilpatti, without prejudice his defence before the trial Court.

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

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

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 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].

sd/-
23/01/2018

WEB COPY

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
3. THE INSPECTOR OF POLICE
ETTAYAPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.PRABU Advocate SR.No.1172

ORDER
IN
CRL OP(MD) No.944 of 2018
Date :23/01/2018

MS/PM-PN/SAR.1/25.01.2018/3P.6C