



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.16448 of 2017

SARAVANAN

... PETITIONER/SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT
(CRIME NO.242 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.BAALASUNDHARAM Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, read with Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulations) Act, in Crime No.242 of 2017, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have illegally transported seven units of sand through three vehicles bearing Registration Nos.TN-60-8037, TN-37BK5658 and TN-75AC-1999. The petitioner is the owner of the lorry.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the State submitted that the vehicles were seized by the respondent police and the investigation is still pending. He further submitted that the petitioner has no previous case.

5. Considering the submission on either side it would appear that the offence under Sections 379 of IPC, read with Sections 21 (1) and 21(2) of Mines and Minerals (Development and Regulations)



Act, has been registered against the petitioner. The learned Additional Public Prosecutor fairly conceded that the petitioner has committed the offence for the first time. Further, on going through the facts of the case, during the time of alleged occurrence, the petitioner was keeping sand in a land owned by him. Except the above allegation, no other allegation is levelled against this petitioner. Considering the nature of offence committed by the petitioner, custodial interrogation 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, Aranthangi, Pudukkottai District 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 deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.242 of 2017 before the learned Judicial Magistrate, Aranthangi, Pudukkottai District, without prejudice to his defence before the trial Court;

(ii) 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;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioner shall not commit any offence while on bail;

(vi) on breach of any of the aforesaid conditions, the 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/-

02/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT

3 THE SUB-INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT

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

+1. CC to M/S.K.BAALASUNDHARAM Advocate SR.No.35

ORDER
IN
CRL OP (MD) No.16448 of 2017
Date :02/01/2018

SMA/RR/SAR-3/05.01.2018:3P/6c