



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.17619 of 2017

A.RANJITH KUMAR

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT
CRIME NO.327/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.GOKULRAJ 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 :-

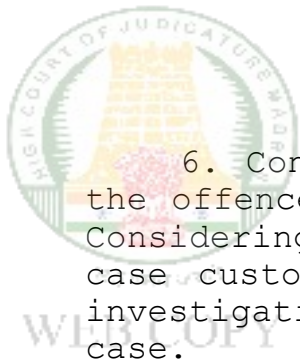
Heard both sides.

2. The petitioner is arrayed as A-2 in Crime No.327 of 2017 of Sivagiri Police Station. He apprehends arrest at the hands of the respondent police for the alleged offences under Sections 379 IPC r/w 21(1) (a) (b) of Mines and Minerals Act, 1957, he has filed this petition, seeking grant of anticipatory bail.

3. The case of the prosecution is that the petitioner and other accused were illegally loaded sand to the lorry from the river bed.

4. 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 in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that each petitioner has illegally loaded 1 ½ unit of the sand which was recovered by the respondent and in this case, A-3 was arrested and released on bail. The petitioner herein is the labour of the lorry.



6. Considering the submissions on either side, it appears that the offence u/s.379 IPC has been registered against the petitioner. Considering the fact that the stolen property was recovered in this case custodial interrogation is not necessary for completing the investigation. Admittedly the petitioner is not having any previous case.

7. Taking all the above said aspects into consideration, and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(i) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before Judicial Magistrate, Sivagiri on or before 17.01.2018, failing which, the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Sivagiri.

(iii) **The petitioner is directed to appear before the respondent / police daily at 10.00 a.m. for a period of 30 days.**

(iv) The petitioner shall make himself available for interrogation as and when required by the investigation officer.

(v) 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/-
03/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT

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

+1. CC to M/S.S.GOKULRAJ Advocate SR.No.59

ORDER

IN

CRL OP(MD) No.17619 of 2017

Date :03/01/2018

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