



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)Nos.17630 and 17632 of 2017

DEVASAHAYAM

... PETITIONER / RANK NOT KNOWN

IN CRL OP(MD)No.17630 of 2017

1 DEVASAHAYAM

2 SASI @ SASIKUMAR

... PETITIONERS / ACCUSED RANK NOT KNOWN

IN CRL OP(MD)No.17632 of 2017

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ILUPPUR POLICE STATION,
ILUPPUR, PUDUKKOTTAI.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

CRIME NO.162/2017

IN CRL OP(MD)No.17630 of 2017

CRIME NO.163/2017

IN CRL OP(MD)No.17632 of 2017

For Petitioner : M/S.G.VANJINATHAN Advocate in both petitions

For Respondent : MR.K.S.DURAI PANDIAN Additional Public Prosecutor
in both petitions

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

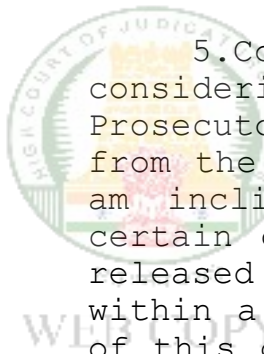
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused rank not known in both petitions, apprehending arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC r/w 21(1) & 21(2) of Mines and Minerals Act, in Crime Nos.162 of 2017 and 163 of 2017 respectively, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner in Crl.O.P.(MD).No.17630/2017 and the first petitioner in Crl.O.P(MD).No.17632/2017 are the same persons. On 19.11.2017, during the time of occurrence of alleged offence, he is taking the sand illegally from mine owned to the Government. Hence the case was registered against the petitioners.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and did not commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor fairly admitted the petitioner is residing in the present address.

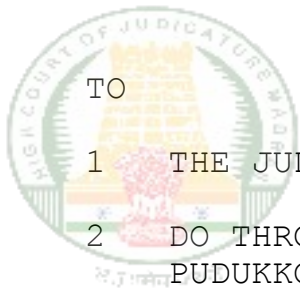


5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Additional Public Prosecutor, and considering the fact that nothing has been recovered from the petitioner by way of custodial interrogation, Therefore, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioners 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, Keeranur, 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 petitioner/first petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Crime number on the file of Judicial Magistrate, Eraniel, without prejudice to his defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner; the second petitioner in CrI.O.P. (MD).17632/2017 being the driver no condition is leveled for deposit.
- (ii) The petitioners shall appear before the respondent police daily at 10.00 a.m. for a period of three weeks, thereafter as and when required for interrogation;
- (iii) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) the petitioners shall not commit any offence while on bail;
- (vii) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
02/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, KEERANUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE JUDICIAL MAGISTRATE, ERANIEL.

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

5 THE INSPECTOR OF POLICE,
ILUPPUR POLICE STATION, ILUPPUR, PUDUKKOTTAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.G.VANJINATHAN Advocate SR.Nos.23 & 24

ORDER IN

CRL OP(MD)Nos.17630 and 17632 of 2017

Date :02/01/2018

MKV-PM-PN-SAR 4/4.1.2018/3P-9C