



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7553 of 2018

1 PANDI
2 RAVISHANKAR
3 ASOKAN

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE :
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO.107/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.V.KANNAN Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehending arrest at the hands of the respondent Police for the offence punishable under Section 21(4) of Mines & Minerals (Development & Regulation) Act 1957, in Crime No.107 of 2018, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners involved the illicit transport of Savadu Soil from the Patta land for the purpose of Brick works.

3. The learned counsel for the petitioners submitted that the first petitioner is having Brick chamber and third petitioner is a land owner and that the petitioners are innocent persons and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the defacto complainant is a Village Administrative Officer and that the third petitioner is a land owner and that the first and third petitioners have



not obtained any permission for transporting soil.

5. Considering the facts and circumstances of the case and that the sand transport is only from the Patta land of third petitioner and also taking note of the fact that the custodial interrogation of the petitioners are not necessary in this case, this Court is inclined to grant anticipatory bail to the petitioners 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 15 days from the date on which the order copy is made ready, before the learned Additional District Munsif cum Judicial Magistrate-I, Manamadurai on condition that the petitioners shall execute a bond each of them for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 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/-
03/05/2018

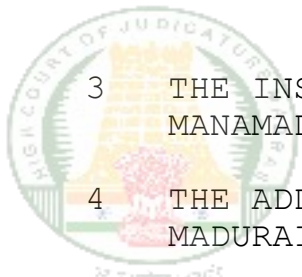
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE NO.I, MANAMADURAI.

<https://hcservices.hcsmadras.gov.in/hcservices/>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT,

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

+1. CC to M/S.V.KANNAN Advocate SR.No.8212

GJM/PN/ASVM/7.5.18-3P-6C

ORDER

IN

CRL OP(MD) No.7553 of 2018

Date :03/05/2018