



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.7603 of 2018

1 MANICKAM
2 VIGNESH
3 THANGAM
4 ILAYARAJA

... PETITIONERS/ACCUSED 1 to 4

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
SATTUR, VIRUDHUNAGAR DISTRICT.
IN CR NO. 91/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.P.SARAVANAKUMAR, Advocate

For Respondent : M/S.M.ASOKAN, Government Advocate

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 379 and 109 of IPC r/w 21 (1) of Mines and Minerals Act, in Crime No.252 of 2018, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners removed and transported two units of river sand using JCB vehicle and lorry at Nalli Riverbed, behind Uppathur Baskaran Match-box industry.

3. The learned counsel for the petitioners submitted that the petitioners transported two units of river sand and prays for anticipatory bail in favour of the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the previous case is pending against the first petitioner in Crime No.187 of 2017 and in Crime No.21 of 2018 on the file of Irukkankudi Police station is pending against the second petitioner.



5. On perusal of records revealed that the respondent police seized the JCB vehicle and that there is previous case is pending against the first petitioner/A1 and second petitioner/A2, this Court is not inclined to grant anticipatory bail to the first and second petitioners. In respect of third petitioner/A3 and fourth petitioner/A4, this Court is inclined to grant anticipatory bail to the third petitioner and fourth petitioner with certain conditions. Accordingly, the third petitioner and fourth petitioner 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 Judicial Magistrate-II, Sattur on condition that the third petitioner and fourth petitioner 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 third petitioner and fourth petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[b] the third petitioner and fourth petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the third petitioner and fourth petitioner 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 third petitioner and fourth petitioner in accordance with law as if the conditions have been imposed and the third petitioner and fourth 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/-
03/05/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
<https://hcservices.courts.gov.in/hcservices/>
SATTUR, VIRUDHUNAGAR DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION, SATTUR, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.P.SARAVANAKUMAR, Advocate SR.No.8134

ORDER
IN
CRL OP(MD) No.7603 of 2018
Date :03/05/2018

PK/PMI/VK/07.05.2018 : 2P/6C