



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22838 of 2018

1 V. BALAMURUGAN
2 V. VINEYAKAMOORTHY
3 G. VIYARAMAN

... PETITIONERS / A1 TO A3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR.
IN CRIME NO. 260 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.BALAJI Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w. Section 21(1) of Mines and Minerals Act, 1959 registered in Crime No.260 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 24.12.2018, during vehicle check up by the respondent police at Thiruchuli Railway Junction, they found that the petitioners unlawfully transported sand through a Tipper lorry bearing Registration Number. TN 63 V 1553 without any valid permission.

3.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the State.

4.According to the petitioner, he has not committed any offence as alleged by the prosecution and for statistical purpose, a false case has been registered against him.

5.The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioners illegally transported sand.



6. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners will make payment of Rs.50,000/- to show their bonafide.

7. Considering the facts and circumstances of the case and also taking into consideration of the fact that the case is relating to theft of sand, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Arupukottai;

(ii) the petitioner shall make a non refundable deposit of Rs.50,000/- (Rupees fifty thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioners. It is made clear that the bonafide offer made by the petitioners to deposit the amount would not amount to admitting the guilt;

(iii) the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders, failing which, the petition for anticipatory bail shall stand dismissed;

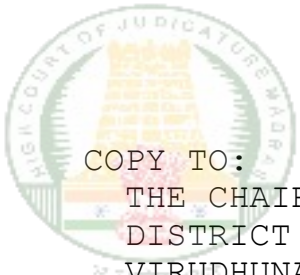
sd/-
27/12/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARUPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



COPY TO:
THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR DISTRICT.

WEB COPY

ORDER

IN

CRL OP (MD) No.22838 of 2018

Date :27/12/2018

JM/PN/SAR 2/08.01.2019/3P/7C