



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7419 of 2019

1 SELVAPANDI
2 SELVAN
3 BALAN

... PETITIONERS/ACCUSED 1 to 3

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.162 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehending arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC, in Crime No.162 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused are alleged to have involved in transporting 1 ½ unit of sand illegally by using a TATA van. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the stolen property has been



recovered and the investigation is not yet completed.

5. The submissions made by the learned counsel on either side are considered. It is alleged, during the time of occurrence, without getting any permission from the appropriate authority the petitioners were involved in sand mining. As of now, the property, which was used for the commission of offence was recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the fact that the offence committed by the petitioner is against the environmental conditions, this Court is inclined to grant anticipatory bail to the petitioners with stringent condition.

6. 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, Valliyoor, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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) Each of the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.162 of 2019 before the learned Judicial Magistrate, Valliyoor, without prejudice his defence before the trial Court;

(ii) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of three weeks thereafter as and when required for the purpose of interrogation;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(v) On breach of any of the aforesaid conditions, anticipatory bail granted to the petitioners shall stand automatically cancelled and 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].

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30/05/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.D.VENKATESH Advocate SR.No.9064

ORDER
IN
CRL OP(MD) No.7419 of 2019
Date :30/05/2019

OGY/DSS
PK/PN/SAR-1/03.06.2019 : 3P/6C