



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10347 of 2019

1. Ranjeet Raja Singh Uthamasingh,
2. Raja Punitha
3. Sugantha Raja Thangapandian
4. Selwyn Raviraja Arunachalam ... Petitioners/Accused No.1 to 4

- Vs-

State Rep.by
The Inspector of Police,
Meignapuram Police Station,
Thoothukudi District.
Crime No.45 of 2019.

... Respondent/Complainant

For Petitioner : M/s.K.M.Priscilla Jancy
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 45 of 2019 on the file of the Respondent Police.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.45 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioners has submitted that the petitioners got valid permit from the Thasildar for taking sand from the lake upto 11.05.2019. She further submitted that the respondent police, without considering the aforesaid permit, has registered the false case against the petitioners and also seized the vehicles bearing Registration Nos.TN 92 C 8492, TN 92 C 8031, TN 92 C 8058, TN 92 C 9616. She further submitted that the petitioners have filed W.P.(MD)Nos.11842, 11873, 11875 & 11880 of 2019 before



this Court, to release the aforesaid vehicles. She further submitted that this Court after considering the rival submissions has categorically held that the petitioners have got valid permit for taking minerals from Sathankulam lake and ignoring the same, the respondent police has seized those vehicles. She further submitted that even though the petitioners have stated in their previous anticipatory bail in Crl.O.P.(MD)No.6930 of 2019 that the petitioners got valid permit for taking sand from the said lake, the vacation Court has reserved the matter on 08.05.2019 and dismissed the said petition on 10.06.2019. She further submitted that when the Crl.O.P.(MD)No.6930 of 2019 came up for hearing, the writ petitions were not disposed of and hence the petitioners could not produce the order passed in the writ petitions and therefore, she prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate(criminal side) has submitted that the petitioners by using four tipper lorries have illegally transported sand. Each lorry carrying five units of river sand, totally 20 units of river sand and further the petitioners have not produced the permit before the police and hence, the case has been registered against the petitioners.

5.Taking into consideration of the fact that this Court, in W.P.(MD) Nos.11842, 11873, 11875 & 11880 of 2019, has categorically observed that the petitioners have got valid permit for taking sand from the Sathankulam lake and also ordered for releasing of the vehicles, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

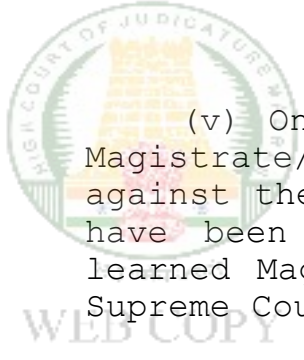
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Trichendur, on condition that the petitioners shall execute a bond 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

<https://hcservices.ecourts.gov.in/hcservices/> (iv) the petitioners shall not abscond either during investigation or trial.



(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, TRICHENDUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
MEIGNAPURAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.PRADEEP DHINAKARAN Advocate SR.No.12164

ORDER
IN
CRL OP(MD) No.10347 of 2019
Date :23/07/2019

MS/PN/SAR-4/24.07.2019/3P.6C