



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

Monday, the Seventh day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10264 of 2017

ANBALAGAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.151 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RAJESH KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

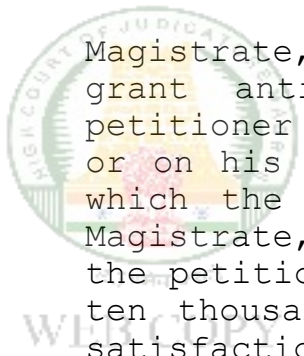
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 379 (sand theft) of IPC in Crime No.151 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is said to have transported one unit of river sand illegally, worth about Rs.2,000/- , by using Tractor bearing Regn. No.TN72T5073. On complaint, a case has been registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He voluntarily agrees to deposit a sum of Rs.2,000/- to the credit of Crime No. 151 of 2017 on the file of the Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instructions would submit that the petitioner is the sole accused in this case and he is having one previous case in Crime No.21 of 2017 on the same type of offences. He further submitted that the sand was seized along with Tractor and the investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the tractor attached with trailer were seized by the respondent Police and also the learned counsel for the petitioner voluntarily agrees to deposit a sum of Rs.2,000/- to the credit of 151 of 2017 on the file of the learned Judicial



Magistrate, Cheranmahadevi, Tirunelveli District, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b]the petitioner is directed to deposit a sum of Rs.2,000/- to the credit of Crime No. 151 of 2017 on the file of the Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the 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/-

07/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.RAJESH KUMAR Advocate SR.No.28289

ORDER IN

CRL OP(MD) No.10264 of 2017

Date :07/08/2017