



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

Wednesday, the Twenty Seventh day of September Two Thousand
Seventeen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.12801 of 2017

THEIVARAJAN @ THEIVA,

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION, ATHOOR,
THOOTHUKUDI DISTRICT.
(CRIME NO.164 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.MUTHURAKKAN Advocate

For Respondent : MR.K.S.DURAI PANDIAN,
ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

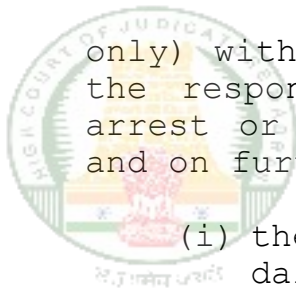
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., (Sand Theft), in Crime No.164 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. The learned counsel for the petitioner submitted that the petitioner is noway connected with the alleged offence, he is an innocent and he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor submitted that the petitioner was found in possession of one unit river sand without any permit and he has two previous cases and he strongly objected to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the gravity of offence, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchendur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of fifteen days and thereafter, as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) the petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail would stand dismissed automatically.

sd/-

27/09/2017

/ TRUE COPY /

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

KRK/IA/MSA

TO

1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION, ATHOOR, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.K.MUTHURAKKAN Advocate SR.No.31639

GJM/RR/BS/SAR-2-28.9.17-2P-6C

ORDER

IN

CRL OP(MD) No.12801 of 2017

Date : 27/09/2017