



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

Friday, the Twentieth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14045 of 2017

ARUL @ AZHALAGAR KUMAR

... PETITIONER/ACCUSED NO.4

Vs

THE STATE REP.BY
INSPECTOR OF POLICE
AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.
CR NO. 412/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KRISHNAN Advocate

For Respondent : MR.K.ANBARASAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

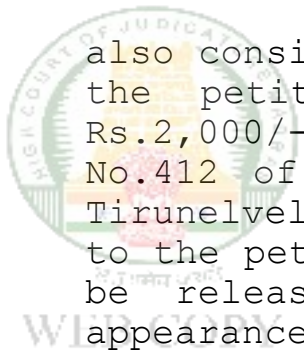
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., in Crime No.412 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.10.2017 the petitioner and others carried sand from the river, while seeing the police, they were flee away from the scene of occurrence by leaving the sand packs and five two wheelers and the respondent police had seized the five two wheelers and 5 packs of sand.

3.The learned counsel for the petitioner would submit that the petitioner is not involved any offence as alleged by the prosecution. However, he agrees to deposit a sum of Rs.2,000/- (Rupees two thousand only) to the Credit of Crime No.412 of 2017 before the Judicial Magistrate, Ambasamudram, Tirunelveli District, without prejudice his defence before the trial Court.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that investigation is pending in this case.

5.Considering the facts and circumstances of the case and



also considering the submission made by the learned counsel for the petitioner that the petitioner would pay a sum of Rs.2,000/- (Rupees two thousand only) to the credit of Crime No.412 of 2017 before the Judicial Magistrate, Ambasamudram, 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, Ambasamudram, Tirunelveli District, on condition that the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.2,000/- (Rupees two thousand only) to the credit of Crime No.412 of 2017 before the Judicial Magistrate, Ambasamudram, Tirunelveli District, without prejudice his defence before the trial Court and thereafter the learned Magistrate shall accept the sureties furnished by the petitioner.

[b] the petitioner shall report before the respondent Police as and when required for interrogation.

[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) the petitioner shall not commit any offence while on bail;

(f) 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/-

20/10/2017

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msa/vsa

TO

1 THE JUDICIAL MAGISTRATE
AMBASAMUDRAM, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, AMBASAMUDRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

GJM/PM/PN/SAR-4-24.10.2017-3P-5C

ORDER

IN

CRL OP (MD) No.14045 of 2017

Date :20/10/2017