



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.17982 of 2017

1 TYSON
2 AJITH
3 ANTHONY
4 RAJA

... PETITIONERS/ACCUSED 1,2,4,&5

Vs

THE STATE BY
THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.368 OF 2017) ... RESPONDENT/COMPLAINANT

For Petitioner : Mr.D.VENKATESH 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 :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC (sand theft) in Crime No.368 of 2017 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioners have loaded one unit of sand each in two vehicles, namely, Mahindra Tipper bearing registration No.TN-65-C-9735 and Tata 407 Van bearing registration No.TN-69-A-7189 and when the respondent police tried to intercept them, the petitioners escaped along with the vehicles.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. Learned Government Advocate (Crl. Side) would submit that the petitioners 1 and 2 have three previous cases and petitioners 3 and 4 have no previous case.



5. Considering the facts and circumstances of the case and taking note of the fact that the quantity is minimal and the petitioners 3 and 4 are having no previous case, this Court is inclined to grant anticipatory bail to the petitioners 3 and 4. However, considering the fact that petitioners 1 and 2 have three previous cases, this Court is not inclined to grant anticipatory bail to them.

6. Accordingly, the petition stands dismissed in respect of petitioners 1 and 2 and the petitioners 3 and 4 are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, **before the Judicial Magistrate, Valliyoor, on their** executing 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned and on further condition that:

[a] the petitioners 3 and 4 shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) each to the credit of Crime No.368 of 2017 before the learned Judicial Magistrate, Valliyoor;

[b] the petitioners 3 and 4 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 3 and 4 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 petitioners 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 released on bail by the 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/-

28/12/2017

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

TO

1 THE JUDICIAL MAGISTRATE
VALLIYOOR



3 THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION, TIRUNELVELI DISTRICT

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

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+1. CC to M/S.D.VENKATESH Advocate SR.No.37106

ORDER
IN
CRL OP(MD) No.17982 of 2017
Date :28/12/2017

sj/rmi
SH/RR/SAR-3:02.01.2018: 3p/6c