



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

Friday, the Twelfth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP (MD) No.5745 of 2017

MARIRAJ

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
TUTICORIN DISTRICT.
(CR.NO.74/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.PERUMAL PRABHU Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

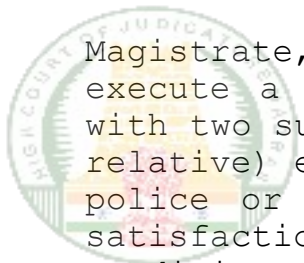
The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.74 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is alleged to have transported 1/2 unit of sand by using Tipper Lorry bearing Reg.No.TN 69 A 4788.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit that the vehicle was recovered and there is no previous case against the petitioner and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact the vehicle was recovered and there is no previous case against the petitioner, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial



Magistrate, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties (one of the surety should be obtained from a blood relative) 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 appear before the Inspector of Police, Ettayapuram Police Station, Ettayapuram, daily at 10.00 am for a period of one month and thereafter, he shall appear before the respondent police as and when required for interrogation.

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

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

[d] the petitioner is directed to co-operate with the respondent police for investigation.

[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/-
12/05/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION, ETTAYAPURAM.
- 4 THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION, TUTICORIN DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.PERUMAL PRABHU Advocate SR.No.22015

ORDER
IN
CRL OP(MD) No.5745 of 2017
Date :12/05/2017