



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.5752 of 2017

MANIRAJ

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,  
ETTAYAPURAM POLICE STATION,  
THOOTHUKUDI DISTRICT.

(CRIME NO.159 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.LAKSHMI GOPINATHAN, Advocate for  
POLAX LEGAL SOLUTIONS

For Respondent : M/S.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 is arrayed as A-1 on the file of the respondent police apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of I.P.C., and Section 21 (1) Mines and Minerals Regulation Act, in Crime No.159 of 2017, seek anticipatory bail.

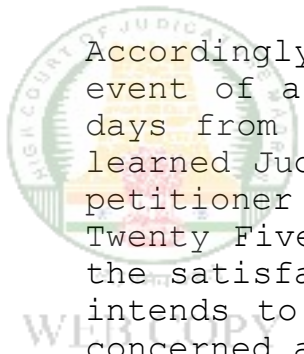
2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the respondent/State.

3. The case of the prosecution is that on 06.05.2017, 2 units of sand was stolen in the petitioner's vehicle and the case was registered against the petitioner and two other accused.

4. The learned counsel appearing for the petitioner would submit that the petitioner is only the owner of the vehicle and petitioner is an innocent person and he has not committed any offence and he has been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side) would submit that the accused Nos.2 and 3 were arrested and remanded to judicial custody and the petitioner/first accused is the owner of the vehicle.

6. Considering the facts and circumstances of the case, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, 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 shall report before the respondent police daily at 10.00 am for a period of one month.

[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 NO.II, KOVILPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI.

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

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

+1. CC to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.21994

ORDER IN

CRL OP(MD) No.5752 of 2017

Date :12/05/2017

**MS/MSA/SAR.3/15.05.2017/2P.6C**