



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1157 of 2018

A.FATHA HUR RABBANI @ RABBANI

... PETITIONER/ACCUSED No.2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PARALACHI POLICE STATION,
VIRUDHUNAAR DISTRICT.
(CRIME NO.10 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.GURURAJ Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, and 120(b) of IPC., in Crime No.10 of 2018, on the file of the respondent police, seeks anticipatory bail.

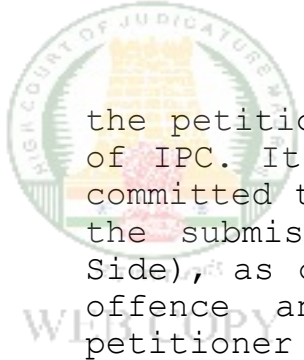
2. The case of the prosecution is that the petitioners transported four units of river sand by using a lorry without obtaining any valid permission from the appropriate authority. Hence, the present case is registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner along with other accused transported four units of river sand by using a Lorry and the properties have been recovered. He further submitted that the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made by the learned counsel appearing on either side are considered. This case has been registered against



the petitioner for the alleged offence under Section 379 and 120(b) of IPC. It is alleged that the petitioner along with other accused committed theft of four units of river sand by using a Lorry. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the property which was used for the commission of offence and the river sand are all recovered. Further, the petitioner is the first offender. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain stringent conditions. Accordingly, the petitioner being the owner of the Lorry 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 on which the order copy is made ready, before the learned Judicial Magistrate, Aruppukottai, 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 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.10 of 2018, before the learned Judicial Magistrate, Aruppukottai;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
24/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
PARALACHI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.1157 of 2018
Date :24/01/2018

PK/PM-PN/SAR-3/31.01.2018 : 3P/5C