



5. The submissions made by either side are considered. According to the prosecution, part of the investigation is completed. On going through the facts and circumstances of the case, during the time of alleged occurrence, these petitioners and other two accused taken away the pond soil for the purpose of selling the same to the public. Admittedly, the petitioners are not having any previous case. So, considering the above facts, custodial interrogation is not necessary for completing the investigation in this case. The other two accused in this case have already released on bail by the Trial Court itself. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, 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 petitioners shall report before the investigation officer, daily at 10.00 a.m., for a period of one month and thereafter as and when required;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not commit any offence while on bail;

(iv) On breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
05/01/2018

/ TRUE COPY /



pjl
TO

1 THE JUDICIAL MAGISTRATE, TENKASI
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

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

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

+1. CC to M/S.S.AJIKUMAR Advocate SR.No.181

GJM/RR/SAR-4-8.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.120 of 2018
Date :05/01/2018