



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1201 of 2018

1 MAYANDI @ LAKSHMANAN
2 MARIDURAI @ MARIAPPAN,
3 LAKSHMANAN,
4 VELMURUGAN,

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.18 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.SIVAKUMAR Advocate

For Respondent : MR.Y.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

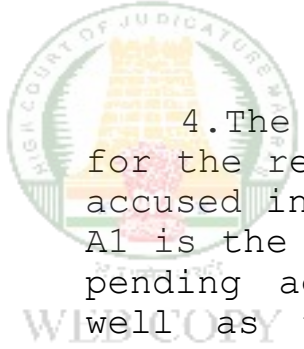
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., in Crime No.18 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 19.01.2018 while the police party coming near the Pottakulathu Odai, they found that the petitioners herein loading Pottakulathu Odai Soil by using the tractor and on seeing the respondent police, the petitioners ran away from the place of occurrence.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that totally there are four accused in this case. The petitioners were arrayed as A1 to A4. A1 is the owner of the tractor and there is no previous case is pending against these petitioners. The stolen properties as well as the tractor has been recovered by the respondent police. According to him, investigation is still pending.

5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioners committed the theft of Odai soil by using the Tractor. According to prosecution, as of now, the property which was used for the commission of offence has been recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the quantity of the Odai Soil, which was stolen away by the petitioners and also considering the fact that the first petitioner/A1 being the owner of the vehicle, permitted to use the tractor for the commission of offence, this Court has imposed some stringent condition for granting anticipatory bail to the first petitioner/A1. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram, 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 first petitioner/A1 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.18 of 2018 before the Judicial Magistrate, Ambasamudram, without prejudice his defence before the Trial Court.

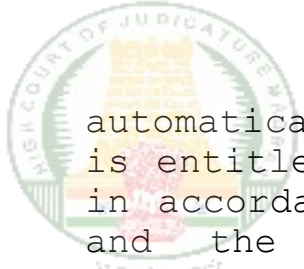
(ii) the petitioners shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

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

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand



automatically cancelled and 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/-
01/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
AMBASAMUDRAM
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SIVAKUMAR Advocate SR.No.1741

MSA
GJM/CM/VR/SAR-I-5.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1201 of 2018
Date :01/02/2018