



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1232 of 2018

RAMA DURAI,

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REPRESENTED BY ITS,
THE INSPECTOR OF POLICE,
ALWAR THIRU NAGARI POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.16/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.DURAIRAJ Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC., in Crime No.16 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.01.2018, the petitioner illegally transported 10 bags of river sand through his Tipper Lorry bearing Registration No.TN-92-B-2943 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 is the owner of the Tipper Lorry. On the date of occurrence, the petitioner was illegally transported 10 bags of river sand through his Tipper Lorry without obtaining any valid permission. He further submitted that the property involved in the commission of offence along with the materials have been recovered and the investigation is still pending.



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 of IPC. During the time of the alleged occurrence, the petitioner herein, being the owner of the Tipper Lorry bearing Registration No.TN-92-B-2943 has committed the theft of 10 bags of river sand. As of now, according to the prosecution, the said property, which was involved in the commission of offence was recovered along with the river sand. Hence, 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 some **stringent conditions**. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Srivaikundam on condition that petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.16 of 2018, before the learned Judicial Magistrate, Srivaikundam;

(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/-
25/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM

2 THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
ALWAR THIRU NAGARI POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.S.R.DURAIRAJ Advocate SR.No.1367

ORDER

IN

CRL OP(MD) No.1232 of 2018

Date :25/01/2018

SMA/PM-PN/SAR-1/01.02.2018:3P/6c