



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1242 of 2018

1 RAMACHANDRAN @ CHANDRAN
2 MUTHU

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT,
(CRIME NO. 7 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.MANDHIRALINGESWARAN 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 petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC., in Crime No.7 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners transported one unit of river sand by using a 407 Van bearing Registration No.TN-31-P-0583 without obtaining any valid permission from the appropriate authority. Hence, the present case is registered against the petitioners.

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

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioners illegally transported one unit of river sand by using a 407 Van and the properties have been recovered. He further submitted that the first petitioner is the owner and the second petitioner is the driver of the offending vehicle. According to the prosecution, the investigation is still pending.



5. The submissions made by either side are considered. During the time of alleged occurrence, without getting any permission, the petitioners herein illegally transported one unit of river sand through 407 Van bearing Registration No.TN-31-P-0583. As per the submission made by the learned Government Advocate (Criminal side), as of now, the property which was used for commission of offence and the river sand are all recovered. Hence, custodial interrogation may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with **stringent 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, Srivaikundam, 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 shall deposit a sum of Rs.25,000/- to the credit of Crime No.7 of 2018, on the file of the learned Judicial Magistrate, Srivaikundam;

(ii) the petitioners shall report before the investigation officer, daily at 10.00 a.m., for a period of three weeks 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;

(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/-

29/01/2018

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



1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
ERAL POLICE STATION, THOOTHUKUDI DISTRICT

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

+1. CC to M/S.S.MANDHIRALINGESWARAN Advocate SR.No.1467

ORDER

IN

CRL OP(MD) No.1242 of 2018

Date :29/01/2018

SMA/RR/SAR-1/06.02.2018:3P/6c