



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1246 of 2018

NARAYANAN

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
TUTICORIN DISTRICT.
(CR.NO.5/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.NIRANJAN S. KUMAR for
M/S.N.RAMESH ARUMUGAM Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

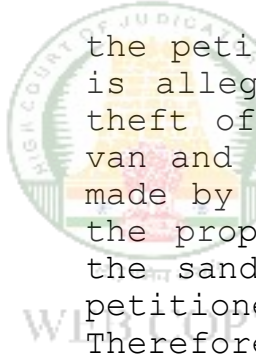
ORDER : The Court Made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC., in Crime No.5 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner illegally transported one unit of sand by using TN 69 AC 3143 TATA BSIII Turbo van and TN 69 BA 8812 TATA 909 HD Tipper van 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 illegally transported one unit of sand by using TN 69 AC 3143 TATA BSIII Turbo van and TN 69 BA 8812 TATA 909 HD Tipper van and the properties have been recovered. He further submitted that the investigation is still pending.



the petitioner for the alleged offence under Section 379 of IPC. It is alleged that the petitioner along with other accused committed theft of one unit of sand by using TN 69 AC 3143 TATA BSIII Turbo van and TN 69 BA 8812 TATA 909 HD Tipper van. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the properties, which were used for the commission of offence and the sand are all recovered. 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 conditions. Accordingly, the petitioner is 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, Tiruchendur 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 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;

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

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

(iv) 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

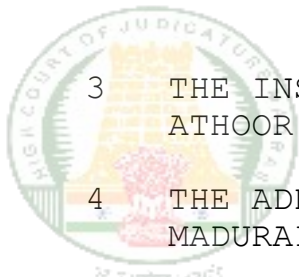
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

<https://hcservices.ecourts.gov.in/hcservices/>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.



3 THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to M/S.S.JEYAKARTHIK Advocate SR.No.1369

ORDER

IN

CRL OP(MD) No.1246 of 2018

Date :25/01/2018

MKV-PM-PN-SAR 3/31.1.2018/3P-6C