



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1334 of 2018

MATHAN

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.48 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.SIVABALAN Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

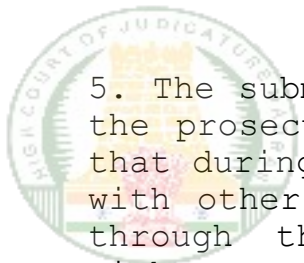
ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC., in Crime No.48 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons illegally transported three units of river sand through the Tipper Lorry bearing Registration No.TN-59-AH-3881 without obtaining any valid permission from the appropriate authority. Hence, the present case is registered against the petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

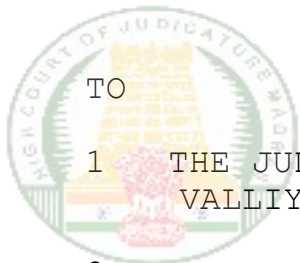
4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the petitioner along with other accused persons illegally transported three units of river sand through the Tipper Lorry and the properties have been recovered. He further submitted that the petitioner is the labour. According to the prosecution, the investigation is still pending.



5. The submissions made by either side are considered. According to the prosecution, the investigation is still pending. It is alleged that during the time of the alleged occurrence, the petitioner along with other persons illegally transported three units of river sand through the Tipper Lorry bearing Registration No.TN-59-AH-3881 without getting any valid permission from the appropriate authority. As per the submission made by the learned Government Advocate (Criminal side), as of now, the properties which were 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 petitioner with **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, Valliyur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), 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 petitioner 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



TO

1 THE JUDICIAL MAGISTRATE,
VALLIYUR, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

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

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

+1. CC to M/S.K.SIVABALAN Advocate SR.No.44525

PJL

JAM/05/02/2018/PM-PN/ SAR 1/3p-6c

ORDER

IN

CRL OP(MD) No.1334 of 2018

Date :29/01/2018