



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

Friday, the Fifth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.134 of 2018

T.RAMESH @ BALASUBRAMANIAN,

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MUKKODAL POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.304 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.VENKATESAN Advocate

For Respondent : MR.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.304 of 2017, on the file of the respondent police, seeks anticipatory bail.

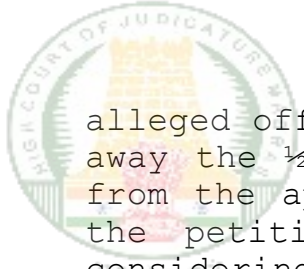
2. The case of the prosecution is that on 18.12.2017, while the police personnel was on regular inspection, they found that the petitioner along with other accused persons have illegally transported ½ unit of river sand in a bullock cart. Based on the compliant, case has been registered for the above said offence.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions, would submit that the petitioner has two previous cases and the investigation is still pending.

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

5. The submissions made by either side are considered. In the



alleged offence, the petitioner herein using the bullock cart stolen away the ½ unit of sand from the river without getting permission from the appropriate authority. Now the property which was used by the petitioner for commission of offence was recovered. Hence, considering the above facts and circumstances, custodial interrogation is not necessary for completing the investigation in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Cheranmahadevi, 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 one month and thereafter as and when required;

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

(iii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioner shall not commit any offence while on bail;

(iv) On breach of any of the aforesaid conditions, 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 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/-

05/01/2018

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

pjl
TO



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
MUKKODAL POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.VENKATESAN Advocate SR.No.229

ORDER
IN
CRL OP(MD) No.134 of 2018
Date :05/01/2018

SMA/VR/SAR-2/08.01.2018:3P/6c