



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.1340 of 2018

KUMAR

... PETITIONER/ACCUSED NO.5

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT,
(CRIME NO. 290/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.K.SUYAMBULING BHARATHI,
Government Advocate (Crl. Side)

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

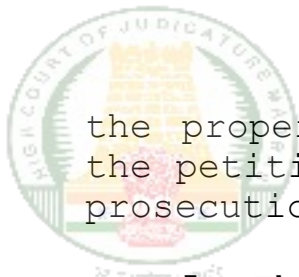
ORDER : The Court Made the following order :-

The petitioner/Accused No.5, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC., in Crime No.290 of 2017, 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 30 plates of river sand through the bullock cart without obtaining any valid permission from the appropriate authority. Hence, the present case is registered for the above said offence.

3. The learned counsel appearing for the petitioners 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 30 plates of river sand by using bullock cart and



the properties have been recovered. He further submitted that the petitioner is the owner of a two-wheeler. According to the prosecution, the investigation is still pending.

5. The submissions made by either side are considered. It is alleged that during the time of occurrence, the petitioner illegally transported 30 plates of river sand through bullock cart 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 **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, Sivagiri, 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 deposit a sum of Rs.10,000/- , to the credit of Crime No.290 of 2017, on the file of the learned Judicial Magistrate, Sivagiri;

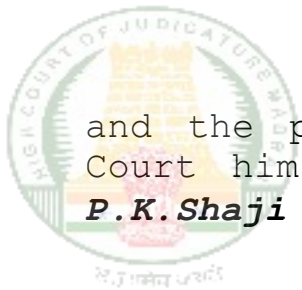
(ii) the petitioner shall report before the investigation officer, daily at 10.00 a.m., for a period of three weeks and thereafter as and when required;

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

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

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

(vi) 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 directed 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]**.

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sd/-
29/01/2018

/ TRUE COPY /

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

PJL
TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.1494

GJM/PM/PN/SAR-4-6.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1340 of 2018
Date :29/01/2018