



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1474 of 2018

1 KANAGARAJ
2 KASIRAJAN
3 ESAKKIMUTHU @ ESAKKI ... PETITIONER / ACCUSED Nos.1,2&4

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
ATHOOR POLICE STATION,
TUTICORIN DISTRICT
(CRIME NO.5/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.N.RAMESH ARUMUGAM 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 :-

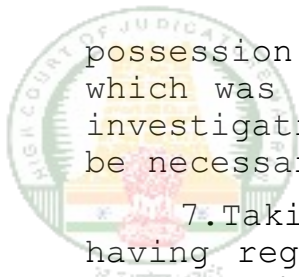
The petitioners / A1, A2 & A4, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC in Crime No.5 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are the labourers and they have illegally transported one unit of river sand through tipper van.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the vehicle along with river sand was recovered and the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for the offence punishable under Section 379 IPC. During the time of occurrence, the petitioners were found in



possession of one unit of river sand. As of now, the said property, which was used for the commission of offence, was recovered by the investigating agency. Accordingly, custodial interrogation may not be necessary for completing the investigation.

7. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruchendur, on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

31/01/2018

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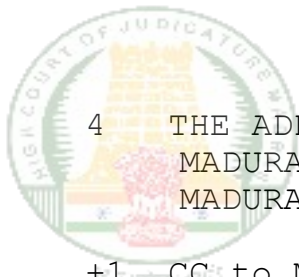
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR, TUTICORIN DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN

3 THE INSPECTOR OF POLICE
ATTORNEY POLICE STATION,
TUTICORIN DISTRICT



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

+1. CC to MR.S.JEYAKARTHIK Advocate SR.No.1676

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JAM/02/02/2018/CM-VR/ SAR 1/ 3P-6C

ORDER

IN

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Date :31/01/2018