



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1526 of 2018

MARI

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT,
(IN CR.NO.310 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.JEGADEESH PANDIAN Advocate

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

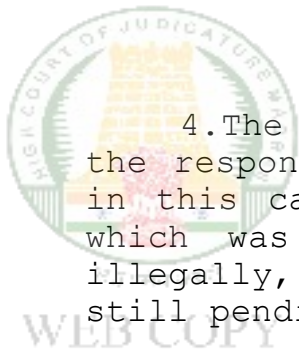
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Rank not known, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 379 I.P.C. in Crime No.310 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that based on the information, the defacto complainant, who is the Sub-Inspector of Police along with his subordinates went to the occurrence place and saw the petitioner and other accused persons, found that they had loaded the stolen sand measuring one unit of quantity in a tipper lorry. After seeing the police party, the accused persons ran away from the place of occurrence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate(Criminal Side) appearing for the respondent police submitted that totally there are two accused in this case. The stolen properties as well as the tipper lorry, which was used for transportation of one unit of river sand, illegally, has been recovered. According to him, investigation is still pending.

5.Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner committed the theft of river sand to the tune of one unit. According to prosecution, as of now, the property, which was used for the commission of offence has been recovered. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, 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 respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(i) 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 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/-
01/02/2018

/ TRUE COPY /

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



msa
TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT,

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

+1. CC to M/S.P.MUTHUPANDI, Advocate SR.No.1939

GJM/PM/PN/SAR-2-12.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.1526 of 2018

Date :01/02/2018