



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.1530 of 2018

PONNI RAMESH @ RAMESH

... PETITIONER/2nd ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE

ARANTHANGI POLICE STATION PUDUKOTTAI DISTRICT,
IN CRIME NO.23/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate

For Respondent : MR.K.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/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., r/w 21(1) and 21(2) of Tamilnadu Mines and Minerals Development and Regulation Act, 1957, in Crime No.23 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the Revenue Inspector, Silattur, lodged a complaint before the respondent police stating that on 19.01.2018, when he intercepted a lorry bearing Registration No.TN-23-AB-4135, it was found in possession of 2 unit of sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, 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 the petitioner herein is the owner of the lorry. The stolen properties as well as the lorry has been recovered by the respondent police. 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 sand by using the lorry. 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. However, considering the fact that the petitioner being the owner of the vehicle, permitted to use the lorry which was used for the commission of offence, this Court decided to impose some stringent condition for granting 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, Aranthangi 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/A2 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.23 of 2018 before the Judicial Magistrate, Aranthangi, without prejudice his defence before the Trial Court.

(ii) 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.

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

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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 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

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



1 THE JUDICIAL MAGISTRATE,
ARANTHANGI

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION PUDUKOTTAI DISTRICT

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.1739

ORDER

IN

CRL OP(MD) No.1530 of 2018

Date :01/02/2018

SMA/CM-VR/SAR-1/05.02.2018:3P/6c