



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.1562 of 2018

RAJ

... PETITIONER / A-9

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR.NO.1/2018)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.A.K.MANICKAM 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 :-

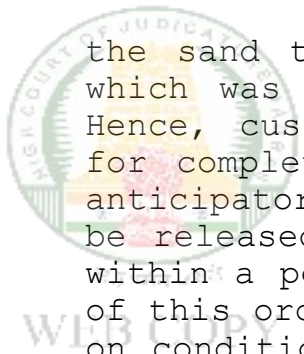
The petitioner/A9, who apprehends arrest at the hands of the respondent Police for the offence punishable under 379 I.P.C., r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.1 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.01.2018, the defacto complainant, who is the Village Administrative Officer, along with respondent police conducting vehicle check up, at that time, they found that the petitioner and other accused persons had transported the 5 units of sand by using the two terrace lorries along with JCB.

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 the petitioner/A9 is the labourer of the vehicle. The stolen properties as well as the vehicles, which was used for transportation of 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 sand theft to the tune of 5 units. 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, 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, Vilathikulam, 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.

(ii) 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.

TO

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

+1. CC to M/S.A.K.MANICKAM Advocate SR.No.1748

ORDER IN
CRL OP(MD) No.1562 of 2018
Date :01/02/2018