



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1658 of 2018

1 KUMARESAN

2 ARUMUGAM

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 24/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH, Advocate

For Respondent : M/S.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 petitioners/Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC., in Crime No.24 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners transported 15 gunny bags of river sand by using a Scorpio Car without obtaining any valid permission from the appropriate authority. Hence, the present case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent, they are no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners transported 15 gunny bags of river sand by using a Scorpio Car



without obtaining any valid permission from the appropriate authority and the properties have been recovered. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners committed theft of 15 gunny bags of river sand by using a Scorpio Car. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the property which was used for the commission of offence and the river sand are all recovered. Accordingly, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 on which the order copy is made ready, before the learned Judicial Magistrate No.III, Tirunelveli, 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 10.30 a.m., until further orders;

(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 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]**.

sd/-

02/02/2018

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



1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.1849

ORDER

IN

CRL OP(MD) No.1658 of 2018

Date :02/02/2018

PK/CM-VR/SAR-4/06.02.2018 : 3P/6C