



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1725 of 2018

SUBBAIAH

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 35/2018

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.D.VENKATESH 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 :-

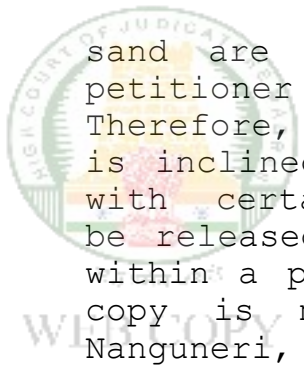
The petitioner/A.12, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC., and Section 3 (1) of TNPPDL Act, in Crime No.35 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported 1/2 unit of river sand by using a Mini Tipper Lorry bearing Registration No.TN-39-4343 without obtaining any valid permission from the appropriate authority. Hence, the present case is registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that there are totally 14 accused in this case, the petitioner is arrayed A.12. He further added that the petitioner illegally transported 1/2 unit of river sand by using a Mini Tipper Lorry bearing Registration No.TN-39-4343 and the petitioner is the labour. He further submitted that the properties have been recovered and the investigation is in progress.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that the petitioner has committed theft of 1/2 unit of river sand by using a Mini Tipper Lorry bearing Registration No.TN-39-4343. 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. Hence, custodial interrogation of the petitioner 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 petitioner with certain conditions. Accordingly, the petitioner 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 on which the order copy is made ready, before the learned Judicial Magistrate, Nanguneri, 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 10.30 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 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/-

05/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALAKKADU 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.1958

ORDER IN

CRL OP(MD) No.1725 of 2018

Date :05/02/2018