



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1771 of 2018

MURUGAN

... PETITIONER/ ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SAMBAVAR VADAKARAI POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.19 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.JEYAKUMAR 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/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC., in Crime No.19 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Sub Inspector of Police, intercepted the Tractor with Trailer bearing Registration No.TN-76-A-4252 and found that the driver of the said vehicle loaded the sand from the stream proemboke. Hence, case has been registered against the accused persons.

3.The learned counsel appearing for the petitioner submitted that A1 is the driver of the vehicle, he was arrested and released on bail. A2 is the owner of the vehicle. He further submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Advocate) appearing for the State submitted that the stolen properties and the vehicle



which was used during the time of occurrence was 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 stolen properties, the properties which was used for the commission of offence was recovered. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. However, the petitioner being the owner of the vehicle, permitted to use the vehicle for the commission of offence, hence, 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, Shenkottai, Tirunelveli District, 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.19 of 2018 before the Judicial Magistrate, Shenkottai, Tirunelveli District, 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 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/-

06/02/2018

/ TRUE COPY /



msa
TO

1 THE JUDICIAL MAGISTRTE, SHENKOTTAI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
SAMBAVAR VADAKARAI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.B.JEYAKUMAR Advocate SR.No.1967

GJM/CSL/SAR-4-13.2.18-3P-6C

ORDER
IN
CRL OP(MD) No.1771 of 2018
Date :06/02/2018