



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

Monday, the Eighth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.180 & 181 of 2018

K.VELMURUGAN,

... PETITIONER/ACCUSED RANK NOT KNOWN
IN CRL OP(MD)No.180 OF 2018

N.MANIMARAN

... PETITIONER/ACCUSED RANK NOT KNOWN
IN CRL OP(MD)No.181 OF 2018

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.2 OF 2018.

.. RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.V.THILLAIKUMAR Advocate in both the petitions
For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)
in both the petitions
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-
Heard both sides.

2.The petitioners/Rank not known are arrayed as the accused persons, in Crime No.2 of 2018 of Thirukkattupalli Police Station. They apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379 I.P.C., r/w 21(1) of MMDR Act, they have filed this petition, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that on 01.01.2018, the Inspector of Police, Thirukattupalli Police Station conducted an inspection in Thirukattupalli Village, while so, several lorries loaded sand in their vehicles and the same was seized along with sand. On enquiry, they came to know that the above said sand were loaded without any authorization. Hence, the respondent police registered a case against the petitioners.

4.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, they were no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.



5. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the lorry along with sand has been recovered by the respondent police.

6. Considering the submissions made on either side, it appears that the offence under Section 379 I.P.C., r/w 21(1) of MMDR Act, has been registered against the petitioner. According to the prosecution of the case, during the time of alleged occurrence, the petitioners stolen away the sand by lorry and the same have been recovered. So, nothing to be recovered by way of further custodial interrogation and other accused in this case were already arrested and remanded to the Judicial Custody. Hence, custodial interrogation is not necessary for completing the investigation. Therefore, the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioners subject to the certain conditions. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 10.00 a.m for a period of two weeks, thereafter as and when required for interrogation.

(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 petitioners 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/-
08/01/2018

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msa/dss
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT

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

+2. CC to M/S.V.THILLAIKUMAR Advocate SR.Nos.290, 291

ORDER
IN
CRL OP(MD) Nos.180
and 181 of 2018
Date :08/01/2018

SMA/RR/SAR-3/11.01.2018:3P/7c