



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.1811 of 2018

P.SIVAKUMAR

... PETITIONER / ACCUSED No.7

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CR.NO.82/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.VENKATESWARAN Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

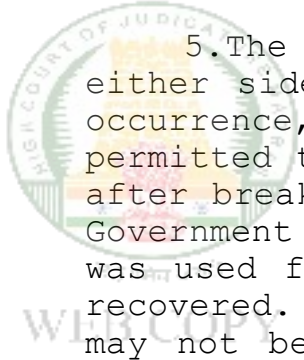
ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 of IPC., r/w. Section 3(1) of Tamilnadu Public Property Prevention of Damage and Loss Act, in Crime No.82 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported river sand by using a HITACHI vehicle 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 the petitioner illegally transported river sand by using a HITACHI vehicle and further added that the properties which were used for the commission of offence have been recovered. He further submitted that the petitioner is the owner of the Lorry and the 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 petitioner being the owner of the HITACHI Vehicle, permitted the other accused to use his vehicle for loading the sand after break the riverbed. 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 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 stringent 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, Muthukulathur, 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 being the owner of the vehicle shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.46 of 2018, before the learned Judicial Magistrate, Muthukulathur;

(ii) 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;

(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 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 /



TO

1 THE JUDICIAL MAGISTRATE,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.R.VENKATESWARAN Advocate SR.No.1983

PJL

JAM/13/02/2018/CSL/ SAR 2 / 3P-6C

ORDER

IN

CRL OP (MD) No.1811 of 2018

Date :06/02/2018