



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

Wednesday, the Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1860 of 2018

1 MADAKANNU

2 KUMAR @ MUTHUKUMAR

... PETITIONER / ACCUSED NO.4 & 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 344/2017

... RESPONDENT / COMPLAINANT

For Petitioners:M/S.N.MOHIDEEN BASHA 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 :-

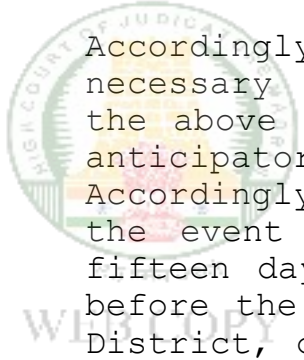
The petitioners/Accused Nos.4 & 5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC., in Crime No.344 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the petitioners transported 1/4 unit of river sand by using a Bullock Cart 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 persons, they have not committed any offence as alleged by the prosecution and pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the properties have been recovered. According to him, investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners committed theft of ¼ unit of river sand by using a Bullock Cart. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the properties which were used for the commission of offence have been 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, Cheranmahadevi, Tirunelveli District, 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., for a period of three weeks and 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 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/-

07/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.2065

ORDER IN

CRL OP(MD) No.1860 of 2018

Date :07/02/2018