



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.187 of 2018

R.PATTAMUTHU

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
SIVAGIRI TALUK,
TIRUNELVELI DISTRICT.
(CRIME NO.282/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.BASKAR, Advocate
For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Heard both sides.

2.The petitioner is arrayed as A1 in Crime No.282 of 2017 of Vasudevanallur Police Station. He apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 I.P.C., he has filed this petition, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that on 25.12.2017, the petitioner stolen away the $\frac{1}{4}$ unit of river sand in his Tractor. The defacto complainant who is a V.A.O of Ramanathapuram Panchayat, got information about dumping the theft sand, near the Iyyappan Temple at Ramanathapuram. So, the defacto complainant and one Mahesh and Laksmanan went to the said temple for supervising, they saw the accused person committed the sand theft by using Tractor No.TN-72-Z-3889 and HMT 4511, near the said Temple. When the defacto complainant interfered, the accused person was escaped from the spot. Thereafter, the case has been registered against the petitioner/A1.

4.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is no way connected with



the offences, and pleads for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor submitted that the vehicle along with river 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., has been registered against the petitioner. During the time of alleged occurrence, the petitioner stolen away the $\frac{1}{4}$ unit of river sand by using the Tractor, the same has been recovered. Hence, custodial interrogation is not necessary for completing the investigation. Therefore, in the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions. 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, Sivagiri, 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 10.00 a.m for a period of three weeks, 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 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

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, SIVAGIRI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
 3. THE INSPECTOR OF POLICE,
VASUDEVANALLUR POLICE STATION,
SIVAGIRI TALUK, TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.B.BASKAR Advocate SR.No.308

ORDER
IN
CRL OP (MD) No.187 of 2018
Date : 08/01/2018

MS/PN/SAR.4/08.01.2018/3P.6C