



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1941 of 2018

1 PARAMASIVAN
2 MADASAMY

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.36 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners:M/S.D.VENKATESH Advocate

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

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

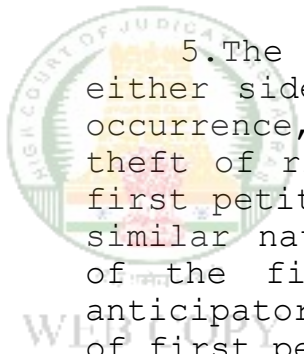
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., Section 3(1) TNPPDL Act and Section 21(1)(v) MMDR Act, in Crime No.36 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 29.01.2018, based on the secret information, the Special Sub Inspector of Police along with his subordinates went to near Sigikulam Check Dam, they found that the petitioners had illegally transported one unit of sand by using the Tipper Lorry bearing Registration No.TN-72-AA-1897 without valid license. After seeing the police party, they ran away from the place of occurrence. Hence, case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are 3 named and 4 unnamed accused in this case. The first petitioner is having 4 previous cases and no previous case is pending against the second petitioner. According to him, 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 petitioners and four other accused committed the theft of river sand by using their Tipper lorry. In respect of the first petitioner is concerned, he is having 4 previous cases in the similar nature of offence, so considering the previous antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, in respect of first petitioner, this Criminal Original petition is dismissed.

6. In respect of second petitioner is concerned, no previous case is pending against him. So, considering the nature of offence committed by the second petitioner, this Court is inclined to grant anticipatory bail to the second 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, Nanguneri, on condition that the second 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 second petitioner shall report before the respondent police daily at 10.00 a.m until further orders.

(ii) the second petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the second petitioner 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 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/-
08/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.2187

ORDER

IN

CRL OP(MD) No.1941 of 2018

Date :08/02/2018

MKV-CM-SAR 1/14.2.2018/3P-6C