



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.1954 of 2018

SURESH

... PETITIONER /4th ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MOOLAIKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.19 OF 2018)

... RESPONDENT / COMPLAINAN

For Petitioner : M/S.P.MANI ANANDH, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

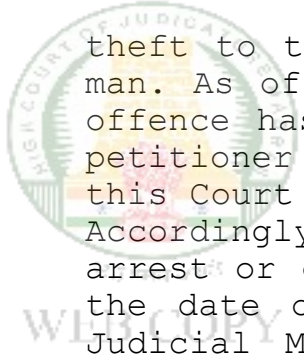
The petitioner/A4, who apprehends arrest at the hands of the respondent Police for the offence punishable under 379(sand theft) I.P.C., and Section 21(1)(iv) MMDR Act, 1957 in Crime No.19 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 02.02.2018, based on the secret information, the defacto complainant, who is the Sub Inspector of Police along with his police parties were conducting the vehicle check up, at that time, they found that the petitioner and other accused persons had transported the one unit of sand by using the Mahindra Tractor bearing Registration No.TN-31-Q-6122. On seeing the police, the accused persons ran away from the place of occurrence. Hence, case has been registered against the petitioner and other accused for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are four accused in this case. The petitioner herein is arrayed as A4 and he is a load man. The property which was used for the commission of offence has been recovered. 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 petitioner and other accused committed the sand



theft to the tune of one unit. The petitioner herein is the load man. As of now, the property, which was used for the commission of offence has been recovered. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the 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 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 and 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/-
08/02/2018

/ 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,
MOOLAIKARAIPATTI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.MANI ANANDH Advocate SR.No.2190

ORDER IN
CRL OP(MD) No.1954 of 2018
Date :08/02/2018