



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

Thursday, the Eighth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1970 of 2018

1 RAJ KUMAR  
2 MAYANDI

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REP BY  
THE INSPECTOR OF POLICE  
NAGAMALAI PUDUKOTTAI POLICE STATION,  
MADURAI DISTRICT,  
IN CRIME NO.90 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.DINESH KUMAR 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/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 and 430 I.P.C., in Crime No.90 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 04.02.2018 when the Sub Inspector of Police along with Police party was on surveillance, they found that the petitioners have transported 1 ½ unit of river sand illegally by using the TATA 407 vehicle bearing Registration No.TN-04-B-6879 and on seeing the police party, the petitioners ran away from the scene of occurrence. Hence, case has been registered against the petitioners.

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 there are totally two accused in this case.



A1 is the owner and A2 is the driver of the vehicle. He further submitted that the stolen properties which was used during the time of occurrence was recovered by the respondent police. 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 committed the theft of river sand to the tune of 1-½ units by using the TATA 407 vehicle. According to prosecution, as of now, the property which was used for the commission of offence has been recovered. Hence, custodial interrogation of the petitioners may not be necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioners and also considering the fact that the first petitioner/A1 being the owner of the vehicle, this Court has decided to impose some stringent condition for granting anticipatory bail to the first petitioner/A1. Accordingly, they 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 first petitioner/A1 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.90 of 2018 before the Judicial Magistrate, No.VI, Madurai, without prejudice his defence before the Trial Court.

(ii) the petitioners 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.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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 petitioners 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

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE  
MADURAI

3 THE INSPECTOR OF POLICE  
NAGAMALAI PUDUKOTTAI POLICE STATION,  
MADURAI DISTRICT

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

+1. CC to M/S.R.DINESH KUMAR Advocate SR.No.2115

ORDER  
IN  
CRL OP(MD) No.1970 of 2018  
Date :08/02/2018

SMA/PM-PN/SAR-4/13.02.2018:3P/6c