



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.1985 of 2018

KRISHNARAJA,

... PETITIONER/ACCUSED No.3

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION
TIRUNELVELI DISTRICT.
(CRIME NO.144 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.R.PRITHIVIRAJ 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 petitioner/A3, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.144 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported the ½ unit of sand by using the vehicle. Hence, the respondent police registered a case against the accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, 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 there are totally four accused in this case. The petitioner herein is a labour. The stolen property, which was used for the commission of offence was recovered. According to him, investigation is still pending.



5. Upon considering the arguments advanced by either side, it is alleged that during the time of occurrence, the petitioner, who is a labour committed the theft of sand by using the 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 petitioner may not be necessary for completing the investigation. Considering the facts and circumstances of the case, 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, 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 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

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



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TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

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

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

+1. CC to M/S.P.R.PRITHIVIRAJ Advocate SR.No.2152

ORDER

IN

CRL OP(MD) No.1985 of 2018

Date :08/02/2018

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