



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.1999 of 2018

SIVANPANDI

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 2 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.RAJESHKUMAR Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government 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 Section 379 I.P.C., in Crime No.2 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.01.2018, while the respondent police was in a routine vehicle check up, they found that the petitioner along with other accused were unlawfully transported the one unit of sand by using tractor with trailer bearing Registration No.TN-74-J-3070 and on seeing the police party, the petitioner ran away from the place of occurrence. Hence, case has been registered against the petitioner and other accused.

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.

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4. The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner herein is a labour and one previous case is pending against him. He further submitted that the properties 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 and other accused committed the theft of sand by using the Tractor with trailer. The petitioner herein is a labour of 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. However, considering the fact that the petitioner/A4 is having one previous case in the similar type of offence, this Court decided to impose some condition for granting anticipatory bail to the petitioner/A4. 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, Cheranmahadevi, 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/A4 shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.2 of 2018 before the Judicial Magistrate, Cheranmahadevi, without prejudice his defence before the Trial Court.

<https://hcservices.ecourts.gov.in/hcservices/>
(ii) 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.

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

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

(v) 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

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1999 of 2018
Date :08/02/2018

PK/PM-PN/SAR-2/13.02.2018 : 3P/5C