



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.2009 of 2018

ARULRAJ

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ATHOOR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.5/2018)

... RESPONDENT / COMPLAINANT

For Petitioner :M/S.N.RAMESH ARUMUGAM Advocate

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

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

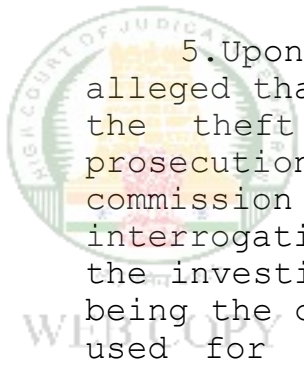
ORDER : The Court Made the following order :-

The petitioner/Rank not known, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., in Crime No.5 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 22.01.2018, when the defacto complainant, who is the Sub Inspector of Police was conducting usual checkup, at that time, he found that the accused persons have illegally trying to transport each one unit of sand by using vehicle bearing Registration Nos.TN-69-AC-3143 TATA BSIII Turbo Van and TN-69-BA-8812 TATA 909 HD Tipper Van. After seeing the defacto complainant, they ran away from the place of occurrence. Hence, case has been registered for the above said offence.

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 totally there are ten accused in this case. The petitioner herein is the owner of the vehicle. The stolen properties which was used for the commission of offence has been recovered by the respondent police. 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 committed the theft of sand by using the Tipper Van. 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 being the owner of the vehicle, permitted to use the lorry which was used for the commission of offence, this Court has decided to impose some stringent condition for granting 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, Tiruchendur, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.5 of 2018 before the Judicial Magistrate, Thiruchendur, without prejudice his defence before the Trial Court.

(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 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, TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
ATHOOR POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.2128

ORDER

IN

CRL OP(MD) No.2009 of 2018

Date :08/02/2018

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