



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2059 of 2018

NAGARAJAN

... PETITIONER/ACCUSED No.2

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.474 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.SARAVANAKUMAR, 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/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 (Sand) I.P.C., in Crime No.474 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 30.12.2017, the defacto complainant, who is the Sub Inspector of Police along with his police parties while conducting vehicle check up, at that time, they found that the petitioner and other accused persons had transported the ½ unit of sand by using the Tipper Lorry bearing registration No.TN-72L-4570. 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.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Criminal Side) appearing



for the State submitted that there are totally 3 accused in this case. The petitioner herein is arrayed as A2 and he is a load man. The stolen properties which was used for the commission of offence has been recovered. According to him, investigation is still pending.

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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 $\frac{1}{2}$ unit. The petitioner herein is a load man. 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, so, 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, 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 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.

(i) 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/-

09/02/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

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

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

+1. CC to M/S.A.SANKARARAMA SUBRAMANIAN, Advocate SR.No.2208

ORDER

IN

CRL OP(MD) No.2059 of 2018

Date :09/02/2018

PK/RR-CSL/SAR-1/14.02.2018 : 3P/6C