



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.2075 of 2018

1 AYYAKUTTI
2 RAJA @ NARAYANAN
3 GANESAN

... PETITIONERS / ACCUSED 5 to 7

Vs

THE STATE
BY THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 318 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.VINOD SINGH MISRA Advocate

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

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

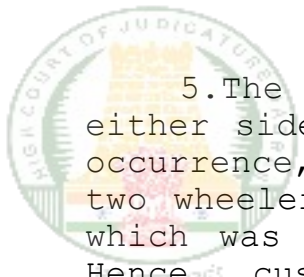
ORDER : The Court Made the following order :-

The petitioners/A5 to A7, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 (sand) I.P.C., in Crime No.318 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 12.10.2017, when the respondent police was in routine check up, at that time, the respondent police found that the petitioners have illegally transported the sand by using 8 two wheelers. 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 the petitioners herein are all drivers. The stolen property which was used during the time of occurrence was recovered. No previous case is pending against these petitioners. 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 sand by using the two wheelers. According to prosecution, as of now, the properties 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. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. 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.V, Tirunelveli, 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 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.

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

(iii) the petitioners 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/-
09/02/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

3 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.M.VINOD SINGH MISRA Advocate SR.No. 2249

MSA

JAM/13/02/2018/CM/ SAR 2 / 3P-6C

ORDER

IN

CRL OP(MD) No.2075 of 2018

Date :09/02/2018