



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2144 of 2018

SEKAR

... PETITIONERS/SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
JAYAMANGALAM POLICE STATION,
THENI DISTRICT.
IN CRIME NO.298 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.RANJITH Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., r/w 21(1) of Mines and Minerals Act, in Crime No.298 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 03.12.2017, when the respondent police was on raid, he found that the petitioner drove the tractor bearing registration No.TN-28-AB-9666 with one unit of cravel sand illegally. Hence, case has been registered against the petitioner 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 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 the stolen properties as well as the lorry, which were used for the commission of offence, have 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 tractor. According to prosecution, as of now, the property as well as the vehicle, which were used for the commission of offence have been recovered. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. So, 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, Periyakulam, Theni District 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.

(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/-
14/02/2018

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



TO

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM,
THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE INSPECTOR OF POLICE,
JAYAMANGALAM POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.N.RANJITH Advocate SR.No.2490

ORDER

IN

CRL OP (MD) No.2144 of 2018

Date :14/02/2018

PK/RR-CSL/SAR-3/19.02.2018 : 3P/6C