



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

Thursday, the Fifteenth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2369 of 2018

WEB COPY

1 IMAN
2 RAJKUMAR

... PETITIONERS/ A5 & A6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.143 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.T.INDRACHITHU, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

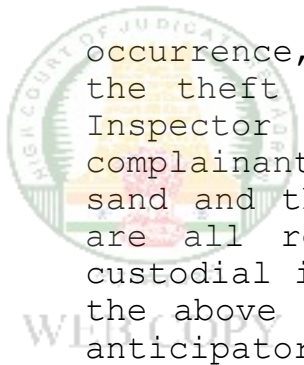
The petitioners/A5 & A6, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 353, 379 and 506(ii) of IPC., in Crime No.143 of 2017, seek anticipatory bail.

2. The case of the prosecution is that on 04.10.2017, while the defacto complainant, who is the Sub Inspector of Police, Kurumbur Police Station was conducting routine vehicle check-up, he found that the petitioners and other accused had illegally transported one unit of river sand by using Mahendra Mini Van bearing Registration No.TN-69-AR-2394 without getting proper permission. Hence, the case has been registered against the petitioners for the above said crime.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the petitioners along with other accused transported one unit of river sand by using a Mahendra Mini Van and the properties have been recovered. He further submitted that the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of



occurrence, the petitioners and five other accused have committed the theft of river sand. When the same was questioned by the Sub Inspector of Police, the petitioners herein abused the defacto complainant by using filthy language. As of now, the stolen river sand and the property which was used for the commission of offence are all recovered. So, in order to complete the investigation, custodial interrogation may not be necessary. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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, Srivaikundam, on condition that each of the petitioners 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 petitioners shall report before the respondent police daily at 10.00 a.m., until further orders;

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

15/02/2018

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

TO

1. THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.INDRACHITHU Advocate SR.No.2662

ORDER IN

CRL OP(MD) No.2369 of 2018

Date :15/02/2018