



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2392 of 2018

1 SAKTHIVEL
2 KANTHASAMY
3 SARAVANAN

... PETITIONER/ACCUSED Nos.2,4,5

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KV NALLUR POLICE STATION,
CR.NO. 57/2018,
TIRUNELVELI DISTRICT

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.J.SENTHIL KUMAR 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 petitioners/A2, A4 and A5, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 353 and 379 of IPC, in Crime No.57 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that while the respondent Police conducting the vehicle checkup, the petitioners and other accused are alleged to have transported 6 units of sand illegally through Lorry. Thus, on complaint, a 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, 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 respondent police submitted that the petitioner nos. 1 and 2 are the owner of the vehicle and the third petitioner is the driver of the Lorry. The stolen properties as well as the lorry has been recovered by the respondent police. According to him, investigation is not completed.

5. The submissions made by the learned counsel on either side are considered. It is alleged, during the time occurrence, the first and second petitioner being the owner of the vehicle, permitted the third petitioner and two other accused in this case for taking the sand without getting any permission from the appropriate authority. As of now, the property owned by the first and second petitioner, which was used for commission of offence were recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioners and also considering the fact that the petitioner nos. 1 and 2/A2 and A4 being the owner of the vehicle, permitted to use the lorry which was found by him for the commission of offence, this Court has imposed some stringent condition for granting anticipatory bail to the petitioners 1 and 2 /A2 and A4.

6. 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, Sankarankoil, on condition that each of 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 petitioner nos. 1 and 2 / A2 and A4 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the credit of Crime No.57 of 2018 before the learned Judicial Magistrate, Sankarankoil, without prejudice to their defence before the Trial Court.

(ii) 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.

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

(iv) the petitioners 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 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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
SANKARANKOVIL, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KV NALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.SENTHIL KUMAR, Advocate SR.No.2506

ORDER
IN
CRL OP(MD) No.2392 of 2018
Date :15/02/2018

PK/RR-CSL/SAR-1/20.02.2018 : 3P/6C