



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.242 of 2018

RAJA @ RAJAN

... PETITIONER/ACCUSED No.3

Vs

THE INSPECTOR OF POLICE,
VATCHAKKARAPATTI POLICE STATION,
VATCHAKKARAPATTI,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.508 OF 2017

...RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.M.ANANTHA MURUGAN, Advocate

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

For Intervenor : M/S.THIRUVADIKUMAR, Advocate

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

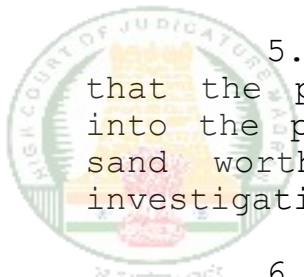
ORDER : The Court Made the following order :-

The petitioner is arrayed as A3 in Crime No.508 of 2017 of Vachakkarapatti Police Station. He apprehends arrest at the hands of the respondent police for the alleged offence under Sections 454, 457 and 380 of I.P.C., he has filed this petition, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons have entered into the defacto complainant's fire works factory and have taken away 8 units of river sand. Hence, the present complaint is registered against the petitioners.

3.The learned counsel appearing for the petitioner submitted that the first petitioner is the owner of the tractor and the second petitioner is a load man and he is an innocent person and he has been falsely implicated in this case. He further submitted that this Court already granted anticipatory bail to the petitioners in Crl.O.P.(MD)No.17460 of 2017 on 05.01.2018. Accordingly, he prays for anticipatory bail in favour of the petitioner/A3.

4.The learned counsel for the Intervenor submitted that some unidentified persons are said to have come to the fireworks factory of the defacto complainant at night hours and taken away the river sand.



5.The learned Government Advocate (Crl.side) submitted that the petitioners along with other accused unlawfully entered into the premises of the defacto complainant and stolen away the sand worth about Rs.50,000/-. He further submitted that the investigation is still pending.

6.The submissions made by the learned counsel on either side are considered. According to the prosecution, the investigation is still pending. However, on going through the facts of the case, at the time of alleged occurrence, the petitioners along with other accused unlawfully entered into the premises of the defacto complainant and stolen away the sand worth about Rs.50,000/-. Since the property which was stolen by the petitioners was recovered, the custodial interrogation is not necessary. Therefore, in the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions. 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 No.I, Virudhunagar, 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 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Crime No.508 of 2017 before the Judicial Magistrate Court No.I, Virudhunagar, Virudhunagar District, without prejudice his defence before the Trial Court.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of two weeks, thereafter as and when required for interrogation.

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

iv) the petitioner shall not abscond either during investigation or trial.

(v) 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/-
10/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR

2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT

3 THE INSPECTOR OF POLICE,
MACHAKKARAPATTI POLICE STATION,
MACHAKKARAPATTI, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.A.THIRUVADIKUMAR, Advocate SR.No.561

ORDER

IN

CRL OP(MD) No.242 of 2018

Date :10/01/2018

PK/RR/SAR-1/12.01.2018 : 3P/6C