



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.243 of 2018

CHANDRAN

... PETITIONER/9th ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CR.NO.39 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate

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

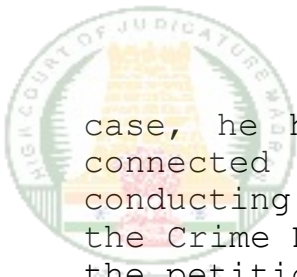
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as A9 in Crime No.39 of 2017 on the file of the Kurumbur Police Station, Thoothukudi District. He apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 294(b), 353, 506(ii) and 379 IPC., he has filed this petition, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the respondent police registered a case stating that on 17.03.2017, while she along with police party were in patrol duty with regard to sand theft, they intercepted two vehicles, namely, Tata Super ACE and 407 Van came from Sethukuvaithan Village and found that the vehicle were loaded with river sand. The TATA Super ACE vehicle was driven by A1 and some others were in the backside of the vehicle. The 407 Van was driven by one Balaji and some others were in the backside of the vehicle. When the respondent police enquired them, all the accused have scolded her with filthy language and threatened her with dire consequence that if they disturb them they will kill her by dashing her with vehicle and subsequently they escaped from the place by taking the vehicles.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this



case, he has not committed any offence as alleged, he is no way connected with the alleged offence. The respondent police without conducting proper enquiry implicated the petitioner as 9th accused in the Crime No.39 of 2017 and pleads for grant of anticipatory bail to the petitioner. Hence, he prays for anticipatory bail.

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4.The learned Government Advocate (Criminal side) submitted that when the respondent police enquired the accused person for illegal transportation of river sand, all the accused have scolded her with filthy language and threatened her with dire consequence that if they disturb them they will kill her by dashing her with vehicle. According to him, investigation is not completed and he vehemently opposed to grant anticipatory bail to the Petitioner/A9.

5. Considering the submissions made on either side, it disclose that the offences under Sections 147, 294(b), 353, 506(ii) and 379 I.P.C., has been registered against this petitioner/A9. Now, on go through the facts of the case, the petitioner and all other accused in this case are restrained the police officers from during their duty. So, the petitioner and other accused in this case took the law in their own hand and committed the offence. So, custodial interrogation is necessary to find out the previous antecedents of the petitioner. If this type of petitioner is released on anticipatory bail, the process of investigation will not be completed properly. Hence, custodial interrogation is necessary for completing the investigation. Therefore, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/01/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION, THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.243 of 2018

Date :08/01/2018

PK/CM-VR/SAR-1/19.01.2018 : 2P/3C