



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.246 of 2018

RAJA @ PRABHAKARAN VEERAPUTHIRA RAJA,  
... PETITIONER / A3

Vs

THE INSPECTOR OF POLICE,  
SUTHAMALLI POLICE STATION,  
TIRUNELVELI DISTRICT.  
(CRIME NO.474 OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM 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 :-

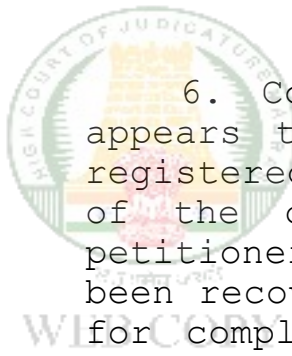
Heard both sides.

2.The petitioner is arrayed as A3, in Crime No.474 of 2017 of Suthamalli Police Station. He apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 I.P.C., he has filed this petition, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that the petitioner and three others have been illegally transporting the ½ unit of river sand from Tamarabarani river by using Tipper Lorry. Subsequently, the respondent police have seized the vehicle and the case has been registered against the petitioner and others.

4.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 offence, and pleads for grant of anticipatory bail to the petitioner.

<https://hcservices.courts.gov.in/hcservices>  
5.The learned Additional Public Prosecutor submitted that the vehicle along with river sand has been recovered by the respondent police.



6. Considering the submissions made on either side, it appears that the offence under Section 379 I.P.C., has been registered against the petitioner. According to the prosecution of the case, during the time of alleged occurrence, the petitioner stolen away the  $\frac{1}{2}$  unit of river sand, the same has been recovered. Hence, custodial interrogation is not necessary for completing the investigation. Therefore, for the reasons stated above, this Court 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, Cheran Mahadevi, Tirunelveli 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, 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.

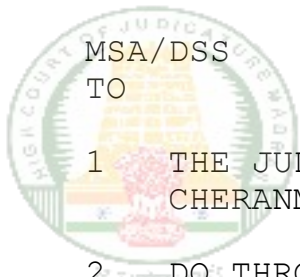
(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and 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/-

08/01/2018

/ TRUE COPY /

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



MSA/DSS

TO

1 THE JUDICIAL MAGISTRATE  
CHERANMAHADEVI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,  
SUTHAMALLI POLICE STATION, TIRUNELVELI DISTRICT.

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

GJM/VC/SAR-3-17.1.18-3P-5C

ORDER

IN

CRL OP(MD) No.246 of 2018

Date :08/01/2018