



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

Friday, the Sixteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2481 of 2018

PANDI

... PETITIONERS/ACCUSED No.2

Vs

STATE REPRESENTED THROUGH,
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.71 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.MAHARAJA Advocate

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

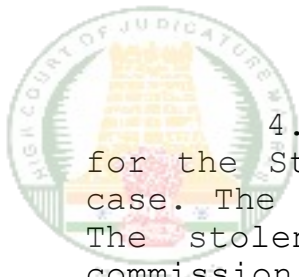
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 (Sand Theft) I.P.C., in Crime No.71 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 02.02.2018, based on the secret information, the defacto complainant, who is the Inspector of Police along with his police parties conducting the vehicle check up, at that time, they found that the petitioner and other accused persons had transported the sand by using the Tipper Lorry bearing registration No.TN-72F-2227. On seeing the police, the accused persons ran away from the place of occurrence. Hence, a case has been registered against the petitioner and other accused for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the State submitted that there are totally 4 accused in this case. The petitioner herein is arrayed as A2 and he is a load man. The stolen property and the vehicle, which was used for the commission of offence had been recovered. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner and other accused committed the sand theft. The petitioner herein is a load man. According to prosecution, as of now, the property and the vehicle, which was used for the commission of offence had been recovered. Therefore, custodial interrogation of the petitioner may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioner. 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, Valliyoor, 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 and 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/-

16/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE ,
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to M/S.M.MAHARAJA Advocate SR.No.2626

ORDER

IN

CRL OP(MD) No.2481 of 2018

Date :16/02/2018

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