



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2557 of 2018

KANTHAIAH

... PETITIONER / ACCUSED No.3

Vs

THE SUB INSPECTOR OF POLICE,
THIYASANVILAI POLICE STATION,
TIRUNELVELI DISTRICT
CR.NO.59 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.C.RATHINAVELPANDIAN Advocate

For Respondent : Mr.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 379 of I.P.C., and 21 (1) of Mines and Minerals (Development and Regulation) Act 1957 registered in Crime No.59 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 11.02.2018, on intimation the respondent police went to the place of occurrence and found the accused persons with one unit of River sand illegally transported in a Tipper Lorry bearing registration No.TN69 AT1780 and on seeing the respondent police they escaped from the scene of occurrence.

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 by the prosecution and he is in no way connected with the offences, hence he pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) submitted that the investigation is still pending. According to him, the vehicle involved in this offence was recovered and the petitioner is the labourer.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Submissions made on either side disclose that the offence under Section 379 of I.P.C., has been registered against the



petitioner. During the time of alleged occurrence, the accused stolen the river sand by using Tipper lorry. The property which was used for the commission of offence is recovered. Accordingly, the custodial interrogation of the petitioner may not necessary for completing the investigation.

6. Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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, Nanguneri, 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/-
22/02/2018

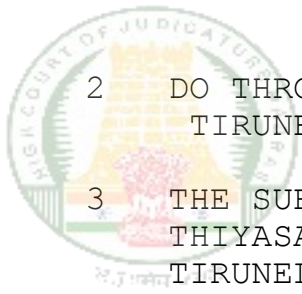
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI,

<https://hcservices.courts.gov.in/hcservices/>
TIRUNELVELI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
THIYASANVILAI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S.J.C.RATHINAVELPANDIAN Advocate SR.No.2919

JAM/28/02/2018/PM-PN/ SAR 3 / 3p-6c

ORDER

IN

CRL OP (MD) No.2557 of 2018

Date :22/02/2018