



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2667 of 2018

SARAVANAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.217/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

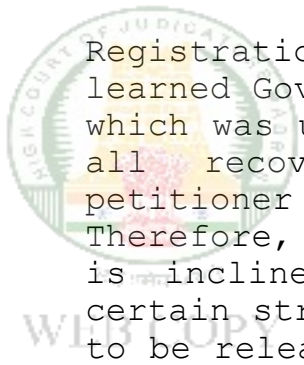
The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 353, 506(ii) and 379 of IPC., r/w. Section 21(1) of Tamilnadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.217 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported one unit of river sand by using a Tempo bearing Registration No.TN-74-AA-0196 without obtaining any valid permission from the appropriate authority. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioner illegally transported one unit of river sand by using a Tempo bearing Registration No.TN-74-AA-0196. As of now, the properties have been recovered. He further submitted that the petitioner is the driver of the Lorry and the investigation is still pending.

5.The submissions made by the learned counsels appearing for either side are considered. It is alleged that the petitioner committed theft of one unit of river sand by using a Tempo bearing



Registration No.TN-74-AA-0196. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the property which was used for the commission of offence and the river sand are all recovered. Accordingly, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain stringent conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Valliyoor, 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 10.30 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 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/-
20/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.SUBASH BABU Advocate SR.No.2798

ORDER IN
CRL OP(MD) No.2667 of 2018
Date :20/02/2018