



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2951 of 2018

1 ARULMANI @ ARULRAJ
2 SUDHAKARAN
3 A.VIJAYAKUMAR

... PETITIONERS/ACCUSED NO/1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT,
IN CRIME NO.32 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.MUTHURAJA Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 342, 353, 379 and 506(ii) I.P.C., in Crime No.32 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 05.02.2018, the petitioners illegally taken away gravel sand by using a Lorry from their land without getting proper permission from the revenue authorities. Hence, the case has been registered for the above said incident.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the property, which was used for the commission of offence is not yet recovered.

According to the prosecution, the investigation is going on.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the petitioners taken away gravel sand from the land belongs to them, without getting any proper permission from the revenue authorities, for which the case has been registered against the petitioners. Considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, Thoothukudi District, on condition that each of the petitioners 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(I) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
23/02/2018

/ TRUE COPY /

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



pjl
TO

1 THE JUDICIAL MAGISTRATE
SATHANKULAM, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
SATHANKULAM POLICE STATION, THOOTHUKUDI DISTRICT,

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

+1. CC to M/S.P.MUTHURAJA Advocate SR.No.2957

GJM/PM/PN/SAR-4-5.3.18-3P-6C

ORDER

IN

CRL OP(MD) No.2951 of 2018

Date :23/02/2018