



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

Monday, the Twenty Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3018 of 2018

SIVAKUTTY @ CHITHIRAIVEL

... PETITIONER/ACCUSED No.4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
VALLIOOR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 400 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MATHAVA SELVAM, 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 :-

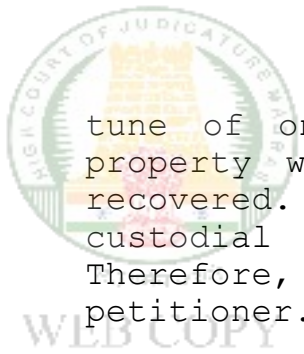
The petitioner, who is arrayed as accused no.4, apprehending arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.400 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are said to have transported one unit of river sand, illegally by using the TATA 709 vehicle. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

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 committed the theft of river sand to the



tune of one unit, by using TATA 709 vehicle. As of now, the property which was used for the commission of offence has been recovered. Accordingly, in order to complete the investigation, the custodial interrogation of the petitioner may not be necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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/-
26/02/2018

/ TRUE COPY /

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

TO

<https://hservices.eprts.gov.in/hservices/> MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to M/S.R.MATHAVA SELVAM Advocate SR.No.3128

ORDER

IN

CRL OP(MD) No.3018 of 2018

Date :26/02/2018

PK/CM-VR/SAR-2/07.03.2018 : 3P/6C