

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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3166 of 2018

RAGAVAN

... PETITIONER / ACCUSED RANK NOT KNOWN
Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

PALAIYANOOR POLICE STATION,

THIRUPPUVANAM TALUK, SIVAGANGAI DISTRICT.

(IN CRIME NO.19 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.UDHAYAKUMAR, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

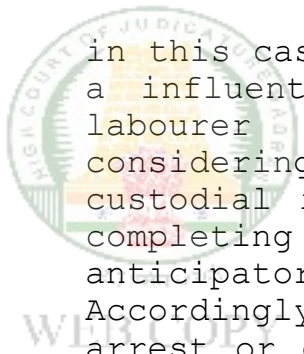
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 I.P.C., in Crime No.19 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is a coolie worker without getting any permission, he cutting the Seemaikaruvelam Trees in the Piramanoor Jurisdiction, which was leased out to the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, further added that he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are two accused are involved in this case. The petitioner herein is arrayed as A2. He is a coolie worker. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. The petitioner being the labour cutting the Seemaikaruvelam Tree from the occurrence place, which was leased to the defacto complainant. According to prosecution, as of now, the properties which were stolen away had not been recovered. The learned Government Advocate (Crl.Side) appearing for the State fairly conceded that the owner of the lorry, permitted to use the said lorry for the commission of offence, is not added as an accused



in this case. The said aspects shows that the owner of the lorry, is a influential person. In the above circumstances, arresting the labourer for custodial interrogation is unwarranted. Hence, considering the nature of offence committed by the petitioner, 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 with certain conditions. 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, Manamadurai, Sivagangai 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, 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/-

28/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE, PALAIYANOOR POLICE STATION,
THIRUPPUVANAM TALUK, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.UDHAYAKUMAR Advocate SR.No.3190

ORDER IN

CRL OP(MD) No.3166 of 2018

Date :28/02/2018