

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.3180 of 2018

1 KANNAN
2 MURUGESAN

...PETITIONERS/ACCUSED NO.3 & 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.547/2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.M.S.JEYAKARTHIK, 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 :-

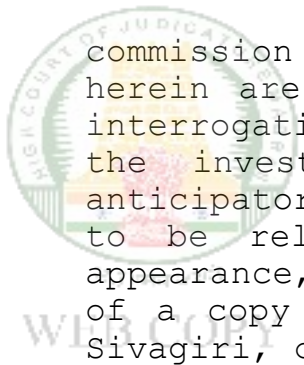
The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., in Crime No.547 of 2017, seek anticipatory bail.

2.The case of the prosecution is that on 21.12.2017, when the defacto complainant was conducting usual check up, at that time, he found that the accused persons had illegally transported the river sand by using the tractor with trailer bearing Registration No.TN-74-K-1330. Hence, a case has been registered for the above said offence.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are four accused in this case. The petitioners herein are arrayed as A2 and A3. He further submitted that they are labourers. The stolen property as well as the vehicle, which was used for the commission of offence have been recovered. No previous case is pending against the petitioners. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners committed the sand theft. As of now, the stolen property as well as the vehicle, which was used for the



commission of offence have been recovered. Further, the petitioners herein are labourers. They are the first offenders. So, custodial interrogation of the petitioners may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Sivagiri, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 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 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

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

TO

1. THE JUDICIAL MAGISTRATE, SIVAGIRI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.3247

ORDER IN
CRL OP(MD) No.3180 of 2018
Date :28/02/2018