



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

Wednesday, the Twenty First day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3817 of 2018

SURESH @ SURESH BABU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.16 OF 2018).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 430, 379 and 506(i) IPC., and Section 3 of TNPPDL Act, in Crime No.16 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner damaged the Government Poramboke land which was situated at Sikkal and taken away the sand. When the defacto complainant, who is the Village Administrative Officer, questioned the same, the petitioner threatened him with dire consequences and escaped from the scene of occurrence. Hence, the case has been registered for the above said incident.

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

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the properties have not been recovered. He further submitted that when the defacto



complainant trying to prevent the petitioner, the petitioner tried to dash the vehicle on the defacto complainant. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner driven the vehicle which was loaded with the stolen sand in a rash and negligent manner after damaging the Kali Kovil Channel. Thereby, the petitioner committed the sand theft in Survey Nos.305/1, 308, 309 and 321. Hence, considering the nature of offence committed by the petitioner, custodial interrogation 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 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, Mudhukulathur, 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 Inspector of Police, Karur Town Police Station, Karur, daily at 10.30 a.m., until further orders;

(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/-
21/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR, RAMANATHAPURAM DISTRICT.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR.

4 THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.4480.

ORDER

IN

CRL OP (MD) No.3817 of 2018

Date :21/03/2018

SDS/PN/SAR.1/23.03.2018/3P/7C