



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

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3866 of 2018

MUTHUVEL

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.144 OF 2017).

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

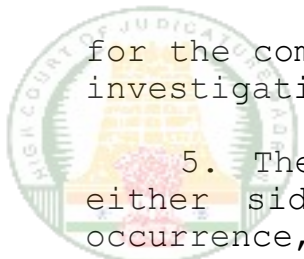
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379(sand theft) I.P.C r/w Section 21(iv) of MMDR Act, in Crime No.144 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the Sub Inspector of Police and his subordinates went to to Panangulam, near Poolam Bus Stop, at that time, they found that the petitioner and other accused in this case have loaded half unit of sand by using the TATA SUPER ACE bearing Registration No.TN-42-Q-3477. Hence, a case has been registered for the above said offences.

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

4.The learned Government Advocate (Crl.side) appearing for the State submitted the stolen property and the vehicle which was used



for the commission of offence have been recovered. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner and other three accused in this case have committed the theft of half unit of river sand by using the TATA SUPER ACE. Now, on go through the copy of Form-95, which was submitted by the learned Government Advocate (Crl.Side), it shows that the property have been recovered on 07.12.2017, so far the property has not been handed over to the concerned Judicial Magistrate Court. Even in the Form-95, the Engine and Chassis Number of the vehicle have not been mentioned. So, it appears that the said Form-95 was prepared only for the purpose of accounting the case. Hence, considering the facts and circumstances of the case and the gravity of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
13/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3866 of 2018
Date :13/03/2018

SDS/PMI/SAR-4/12.04.2018/2P/3C