



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.395 of 2018

MUTHURAMALINGAM

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 283/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MUTHUMALAI, Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

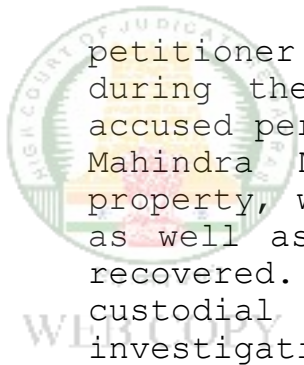
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.283 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2017, the petitioner transported ½ unit of river sand through Mahendra Mini Lorry without obtaining any valid permission from the appropriate authority. Hence, the present complaint has been registered against the petitioner.

3. The learned counsel 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 he has been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the Lorry which was used for the commission of offence was seized along with sand. She further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. This case has been registered against the



petitioner for the offence under Section 379 IPC. It is alleged that during the time of occurrence, the petitioner along with other accused persons committed a theft of ½ unit of river sand by using Mahindra Mini Lorry. Now, according to the prosecution, the property, which was used by the petitioner for commission of offence as well as the sand, which was transported by the petitioner was recovered. Hence, considering the above facts and circumstances, custodial interrogation is not necessary for completing the investigation in this case. Therefore, 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 No.V, Tirunelveli, 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 investigation officer, 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 commit any offence while on bail;
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) On breach of any of the aforesaid conditions, 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/-
10/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.K.MUTHUMALAI Advocate SR.No.539

ORDER

IN

CRL OP(MD) No.395 of 2018

Date :10/01/2018

PK/RR/SAR-1/12.01.2018 : 3P/6C