



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.399 of 2018

1 BALASUBRAMANIAN @ BALU  
2 THANGAM

... PETITIONERS / ACCUSED NO.1 &3

Vs

STATE REPRESENTED BY ITS  
THE INSPECTOR OF POLICE  
SIVAGIRI POLICE STATION,  
TIRUNELVELI DISTRICT.  
(CRIME NO. 339 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK 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 petitioners/A1 and A3, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.339 of 2017, on the file of the respondent police seek anticipatory bail.

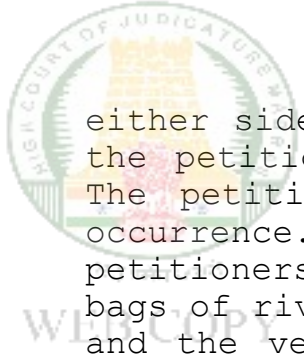
2. The case of the prosecution is that the petitioners transported 4 gunny bags of river sand by using two-wheeler without obtaining any valid permission from the appropriate authority. Hence, the present complaint has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Criminal side) appearing for the State submitted that the petitioners along with other accused transported 4 gunny backs of river sand in their two wheeler without getting any proper permission. She further submitted that the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The submissions made by the learned counsel appearing on



either side are considered. This case has been registered against the petitioners for the alleged offence under Section 379 of IPC. The petitioners herein are arrayed as A1 and A3 in the alleged occurrence. It is alleged that during the time of occurrence, the petitioners along with two other accused persons took four gunny bags of river sand by using TVS-50 vehicle. Now, the stolen property and the vehicle which was used for the commission of offence was recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 one month 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) the petitioners shall not commit any offence while on bail;

(v) on breach of any of the aforesaid conditions, the 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 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.



pjl  
TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI

2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE  
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE  
SIVAGIRI 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.509

GJM/CM/VR/SAR-I-12.1.18-3P-6C

ORDER  
IN  
CRL OP(MD) No.399 of 2018  
Date :10/01/2018