



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

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3996 of 2018

BALAMURUGAN,

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE BY REPRESENTED
THE INSPECTOR OF POLICE,
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.
IN CRIME NO.255 OF 2017. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.MUTHUPANDI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C., in Crime No.255 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 03.08.2017, the Special Sub Inspector of Police attached to the respondent police station had conducted the inspection at Melamangalakurichi, at that time, he found that the petitioner and seven other accused in this case have loaded the sand illegally by using the Tractor bearing Registration No.TN-69-B-1500. 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.

<https://hcservices.hcscourts.in/hcservices> 4.The learned Government Advocate (Crl.side) appearing for the State submitted that the stolen property and the tractor, which was used for the commission of offence have been recovered



by the respondent police and the same were remanded in PR.No.311 of 2017. 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 accused in this case had transported the sand illegally to the tune of one unit by using the Tractor. According to prosecution, as of now, the stolen property and the property which was used for the commission of offence have been recovered. Thereby, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the certain conditions. Accordingly, he 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, Thoothukudi District, 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 respondent police daily at 10.00 a.m for a period of three weeks, 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 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 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/-
16/03/2018

/ TRUE COPY /

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



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TO

1 THE JUDICIAL MAGISTRATE
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ERAL POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.P.MUTHUPANDI Advocate SR.No.4448

GJM/PMI/SAR-4-3.4.18-3P-6C

ORDER

IN

CRL OP (MD) No.3996 of 2018

Date :16/03/2018