



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.402 of 2018

SANMUGANATHAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PAVOOR CHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 500/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.JEYAKUMAR Advocate

For Respondent : M/S S.BHARATHI, Govt. Advocate (Cr1. Side)

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

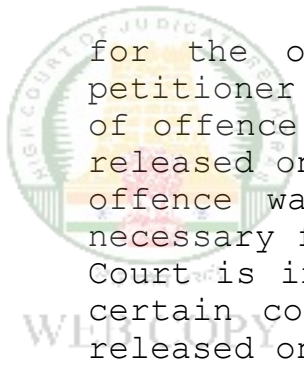
ORDER : The Court Made the following order :-

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.500 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.11.2017, the petitioner transported one unit of river sand through Tractor 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 the petitioner is the owner of the tractor and 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 Tractor, which was used for the commission of offence was seized along with sand. She further submitted that the investigation is still pending. The first accused was already arrested and released on bail.



for the offence under Section 379 IPC. It is stated that the petitioner is the owner of the vehicle which was used for commission of offence. A1 being the driver of the vehicle already arrested and released on bail. As of now, the property used for the commission of offence was recovered. Therefore, custodial interrogation is not necessary for completing the investigation in this case. Hence, 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, Tenkasi, Tirunelveli 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 investigation officer, daily at 10.00 a.m., for a period of four 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,
<https://hcservices.ecourts.gov.in/hcservices/>
TENKASI, TIRUNELVELI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
PAVOOR CHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MR.B.JEYAKUMAR Advocate SR.No.528

JAM/12/01/2018/RR/ SAR 3/ 3P-6C

ORDER

IN

CRL OP (MD) No.402 of 2018

Date :10/01/2018