



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.425 of 2018

SARAVAKUMAR @ SARAVANAKUMAR

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
KOONDANKULAM POLICE STATION,
KOONDANKULAM,
TIRUNELVELI DISTRICT.
(CRIME.NO.400/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PALANIVELAYUTHAM, Advocate

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

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

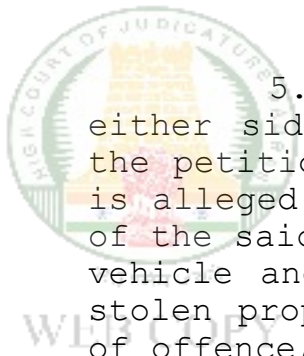
ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.400 of 2017, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused transported one unit of Odai sand through 407-Tempo Vehicle bearing Registration No.TN 74 5253 and another two wheeler bearing Registration No.TN 74 L 1060, 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 innocent person and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioner along with other accused transported one unit of Odai sand in 407-Tempo vehicle. She further submitted that the investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offence under Section 379 of IPC. It is alleged by the prosecution that the petitioner being the driver of the said vehicle, after seeing the police authorities parking the vehicle and ran away from the scene of occurrence. Then only, the stolen property and the vehicle, which was used for the commission of offence, has been recovered. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, 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 respondent police daily at 10.00 a.m., for a period of one month 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 abscond either during investigation or trial;
- (iv) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.



TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

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

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

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.606

ORDER

IN

CRL OP(MD) No.425 of 2018

Date :10/01/2018

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