



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4374 of 2018

RAVI KUMAR

... PETITIONERS/ACCUSED No.1

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO.55 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.DURAIRAJ, Advocate

For Respondent : M/S.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 is arrayed as accused No.1, apprehending arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC and Section 3 of TNPPDL Act, in Crime No.55 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are alleged to have transported one unit of river sand illegally by using Lorry. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is the owner of the vehicle and the stolen properties have been recovered and the investigation is not yet completed.



5. The submissions made by the learned counsel on either side are considered. It is alleged, during the time occurrence, the petitioner being the owner of the vehicle, permitted the other accused in this case for taking the sand without getting any permission from the appropriate authority. As of now, the property owned by the petitioner, which was used for commission of offence was recovered. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioner and also considering the fact that the petitioner being the owner of the vehicle, permitted to use the lorry which was found by him for the commission of offence, this Court has imposed some stringent condition for granting anticipatory bail to the petitioner.

6. 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, Srivaikundam, 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.55 of 2018 on the file of the learned Judicial Magistrate, Srivaikundam, without prejudice his defence before the Trial Court.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned 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 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/-

20/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM, TUTICORIN DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.JEYAKARTHIK, Advocate SR.No.4452

ORDER

IN

CRL OP(MD) No.4374 of 2018

Date :20/03/2018

PK/PMI/SAR-1/03.04.2018 : 3P/6C