



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.440 of 2018

1 MARIAPPAN
2 SHANMUGAVEL

... PETITIONERS / ACCUSED Nos.1&2

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.346/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.346 of 2017, on the file of the respondent police seek anticipatory bail.

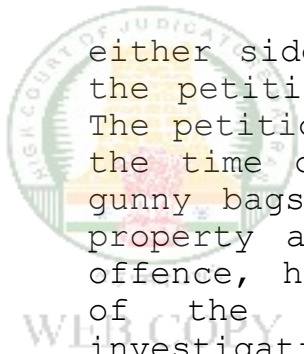
2. The case of the prosecution is that the petitioners transported three gunny bags of river sand by using two wheelers bearing Registration Nos.TN 76 W 2191, TN 79 A 4195 and TN 67 AV 4470 without obtaining any valid permission from the appropriate authority. Hence, the present complaint is registered 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(Crl.side) appearing for the State submitted that the petitioners along with other accused persons transported three gunny bags of river sand by using two wheelers. 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 are arrayed as A1 and A2. It is alleged that during the time of occurrence, the petitioners committed theft of three gunny bags of river sand by using two wheelers. Now, the stolen property and the vehicle, which were used for the commission of offence, have been recovered. Accordingly, 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

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



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI , TIRUNELVELI DISTRICT

2 DO THROUGH 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 MR.M.S.JEYAKARTHIK Advocate SR.No.510

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

ORDER

IN

CRL OP (MD) No.440 of 2018

Date :10/01/2018