



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.442 of 2018

1 DINESH
2 ESAKKIMUTHU @ ESAKKI
3 KANAGARAJ

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ATHOOR POLICE STATION,
ATHOOR, THOOTHUKUDI DISTRICT.
(CRIME NO. 1/2018)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.N.PRAGALATHAN, Advocate

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

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

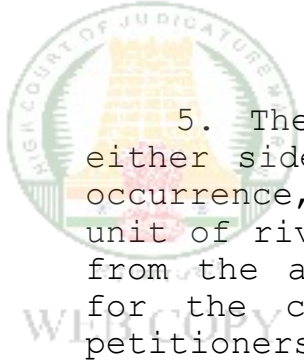
ORDER : The Court Made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.1 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused transported one unit of river sand using Mini Lorry without getting any permission from the appropriate authority.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the petitioners along with other accused transported one unit of river sand and the property which was used for the commission of offence was recovered. He further submitted that the petitioners having two previous cases and the investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners along with other accused transported one unit of river sand using a Mini Lorry without getting any permission from the appropriate authority. Now, the property, which was used for the commission of offence was recovered. Eventhough, the petitioners are having previous cases, those cases are not similar to the offence alleged in this petition. Therefore, considering the nature of offence committed by the petitioners, custodial interrogation of the petitioners is not necessary for completing the investigation.

6. Taking note of all the above said aspects into consideration and having regard to the nature of offence, 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, Tiruchendur, Thoothukudi, on condition that each of the petitioners 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 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., until further orders;

(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) 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 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/-

17/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR, THOOTHUKUDI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI

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

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

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.782

ORDER

IN

CRL OP (MD) No.442 of 2018

Date :17/01/2018

PK/RR/SAR-1/23.01.2018 : 3P/6C