



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4534 of 2018

CHINNAMUTHU

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
IN CR.NO. 53/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.RANJITH, 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/A2, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 379 I.P.C., and Section 21(i) of Mines and Minerals Act., in Crime No.53 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that while the respondent police conducted the inspection, at that time, he found that the petitioner herein had illegally transported one unit of sand by using the vehicle. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the stolen property and the vehicle



which was used for the commission of offence had been recovered and the same were remanded in PR.No.44 of 2018. According to him, investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner herein had committed the offence of sand theft to the tune of one unit by using the vehicle. According to prosecution, as of now, the stolen property and the vehicle had been recovered. Further, the petitioner is a driver. Hence, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he 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, Periyakulam, Theni 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 three weeks, 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) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
23/03/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI

3 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.N.RANJITH Advocate SR.No.4654

ORDER
IN
CRL OP(MD) No.4534 of 2018
Date :22/03/2018

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