



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4565 of 2018

SELVAN @ SELVANS

... PETITIONER/ACCUSED

Vs

THE STATE BY  
THE INSPECTOR OF POLICE,  
MOONDRADAIPPU POLICE STATION,  
TIRUNELVELI DISTRICT.  
CRIME NO.39 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate ( Crl. Side)

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

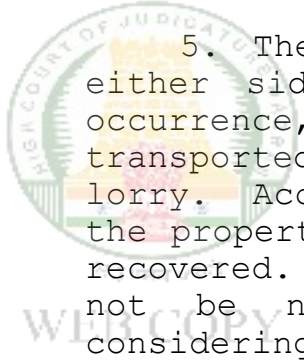
ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 I.P.C., and Section 21(1)(iv) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.39 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Sub Inspector of police conducted the vehicle check-up, at that time, he found that the petitioner herein and other accused in this case had transported the four units of sand, illegally, by using the Lorry bearing Registration No.TN-19-J-3279. 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 in this case, he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that the petitioner herein is the owner of the vehicle. He further added that the stolen property and the vehicle, which was used for the commission of offence have been recovered by the respondent police. According to him, investigation is still



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 and other accused in this case had transported the sand to the tune of 4 units illegally by using the lorry. According to prosecution, as of now, the stolen property and the property which was used for the commission of offence have been recovered. Thereby, custodial interrogation of the petitioner may not be necessary for completing the investigation. However, considering the fact that the petitioner being the owner of the vehicle, permitted to use the vehicle for the commission of offence, this Court decided to impose some stringent condition for granting 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, Nanguneri, 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.39 of 2018 before the Judicial Magistrate, Nanguneri, 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, 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 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/-  
27/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,  
MOONDRADAIPPU POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.4883

MSA

CSL/RR/SAR-I/03.04.2018 :3P/6C

ORDER

IN

CRL OP(MD) No.4565 of 2018

Date :27/03/2018