



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.464 of 2018

MANIKUMAR

... PETITIONER / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.263/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH 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 :-

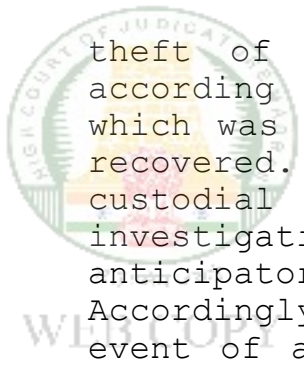
The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.263 of 2017, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner transported one unit of sand in the Tipper Lorry without obtaining any valid permission from the appropriate authority. Hence, the present complaint has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate(Crl.side) appearing for the State submitted that the petitioner transported one unit of sand through the Tipper Lorry without any valid permission. She further submitted that the investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. This case has been registered against the petitioner for the alleged offence under Section 379 IPC. It is alleged that during the time of occurrence, the petitioner committed



theft of one unit of river sand by using Tipper Lorry. Now, according to the prosecution, the stolen property and the vehicle which was used by the petitioner for the commission of offence was recovered. Therefore, considering the above facts and circumstances, custodial interrogation is not necessary for completing the investigation in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Ambasamudram, on condition that 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 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 one week and 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 commit any offence while on bail;
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) on breach of any of the aforesaid conditions, the 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 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

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT



2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT

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

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

+1. CC to MR.D.VENKATESH Advocate SR.No.492

JAM/11/01/2018/RR/ SAR 3 / 3P-6C

ORDER

IN

CRL OP(MD) No.464 of 2018

Date :10/01/2018