



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

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4648 of 2018

1 DASAN

2 RAMAKRISHNAN

... PETITIONERS/ ACCUSED 3&4

Vs

STATE : REP.BY

SUB INSPECTOR OF POLICE

PUDUKKOTTAI POLICE STATION,

THOOTHUKUDI DISTRICT

(CRIME NO. 90/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.DEENADHAYALAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

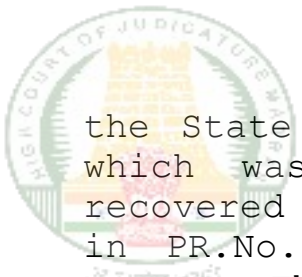
The petitioners/Accused Nos.3 and 4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C., in Crime No.90 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 14.03.2018, when the respondent police conducted the vehicle check-up, at that time, he found that the petitioners herein had loaded the sand illegally by using the lorry bearing Registration No.TN-69-A-4788. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.side) appearing for



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the State submitted that the stolen property and the lorry, which was used for the commission of offence have been recovered by the respondent police and the same were remanded in PR.No.71 of 2018 before the learned Judicial Magistrate No.III, Thoothukudi. 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 petitioners herein had transported the sand illegally to the tune of four units 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 petitioners may not be necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioners and also considering the fact that the first petitioner/A3 being the owner of the vehicle, this Court decided to impose some stringent condition for granting anticipatory bail to the first petitioner/A3. Accordingly, they 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 No.III, Thoothukudi, 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 first petitioner/A3 shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.90 of 2018 before the Judicial Magistrate, No.III, Thoothukudi, without prejudice his defence before the Trial Court.

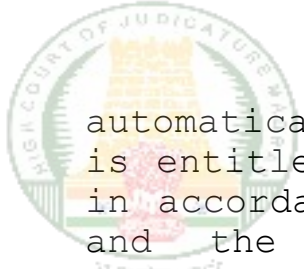
(ii) the petitioners shall report before the respondent police daily at 10.00 a.m for a period of three weeks, thereafter as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

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(v) 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 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

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE,
PUDUKKOTTAI POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.DEENADHAYALAN Advocate SR.No.4908

GJM/PN/SAR-I-3.4.18-3P-6C

ORDER
IN
CRL OP(MD) No.4648 of 2018
Date :27/03/2018