



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.4817 of 2018

1 KARTHICK,
2 MUTHUMURUGAN,

... PETITIONERS/ACCUSED NO.1&2

Vs

THE STATE REP.THROUGH
THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR.NO.59 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.D.RAMESHKUMAR Advocate

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

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

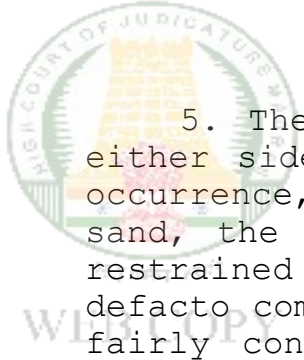
ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 332, 352, 379 and 307 IPC., in Crime No.59 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 21.03.2018, the defacto complainant and other police officials made search and found that the petitioners illegally transported river sand by using a lorry and car without obtaining any valid permission from the appropriate authority. Hence, the present case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners transported river sand by using a Lorry and a car. As of now, the properties have been recovered. He further submitted that the investigation is still pending.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, when the petitioners are attempted to steal the river sand, the defacto complainant, who is the Sub Inspector of Police restrained them, for which the petitioners tried to assault the defacto complainant. The learned Government Advocate (criminal side) fairly conceded that in the alleged occurrence, nobody sustained injury, due to the assault made by the petitioners. In the above circumstances, the case has been registered for the offence under Section 307 IPC., created a doubt over the case of the prosecution. As of now, the property which was used for stealing the river sand is recovered. Accordingly, custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, 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 No.II, Ramanathapuram, 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 or 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 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 /

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



1 THE JUDICIAL MAGISTRTE NO.II, RAMANTHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION, RAMNAD DISTRICT

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

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.4844

GJM/CM/VR/SAR-4-2.4.18-3P-6C

ORDER

IN

CRL OP (MD) No.4817 of 2018

Date :27/03/2018