



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.491 of 2018

1 GANAPATHY

2 PERIYA NADAN @ MADASAMY

... PETITIONER/ACCUSED No.1&2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
IN CRIME NO.383/2017,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : M/S.S.BHARATHI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

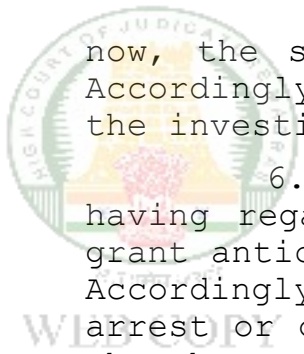
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC in Crime No.383 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in possession of one unit of river sand.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the property was recovered and the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Section 379 of IPC. At the time of occurrence, the petitioner was found in possession of one unit of river sand. As of



now, the said property was recovered by the investigating agency. Accordingly, custodial interrogation is not necessary for completing the investigation.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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 Valliyur, 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. for a period of three weeks and thereafter, as and when required for interrogation.

(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/-
11/01/2018

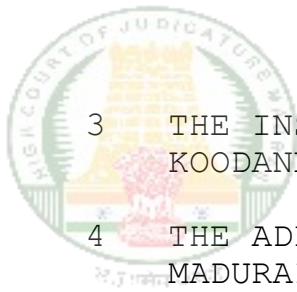
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, VALLIYUR, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT



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

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

WEB COPY

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.657

ORDER
IN
CRL OP(MD) No.491 of 2018
Date :11/01/2018

PK/RR-CSL/SAR-3/19.01.2018 : 3P/6C