



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.552 of 2018

1 MURUGAN @ KANNAN
2 KANDHASAMY

... PETITIONERS/ACCUSED No.1
AND UNNAMED ACCUSED

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT
IN CRIME NO.364/2017

... RESPONDENT/DEFACTO
COMPLAINANT

For PetitionerS : M/S.K.GOKUL 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 :-

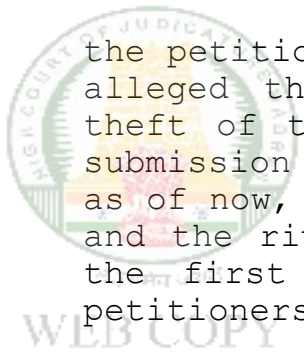
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C in Crime No.364 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners transported two units of river sand by using a 407 Van without obtaining any valid permission from the appropriate authority. Hence, the present case is registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and 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) submitted that the petitioner along with other accused transported two units of river sand by using a 407 Van and the properties have been recovered. 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 petitioners for the alleged offence under Section 379 IPC. It is alleged that the petitioners along with other accused committed theft of two units of river sand by using a 407 Van. As per the submission made by the learned Government Advocate (Criminal Side), as of now, the property which was used for the commission of offence and the river sand are all recovered. Further, the petitioners are the first offender. Accordingly, custodial interrogation of the petitioners are not necessary for completing the investigation.

6. Taking note of all the abovesaid 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, 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.III, Tirunelveli, 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 petitioner shall deposit a sum of Rs.4,000/- (Rupees Four Thousand only) to the credit of Crime No.364 of 2017 before the learned Judicial Magistrate No.III, Tirunelveli.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and 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;

(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 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

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3 THE SUB INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.K.GOKUL Advocate SR.No.678

ORDER
IN
CRL OP(MD) No.552 of 2018
Date :11/01/2018

PK/VR/SAR-4/18.01.2018 : 3P/6C