



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP (MD) No.569 of 2018

PALANISAMY

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.170/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.R.PRABHU RAMACHANDRAN, Government Advocate

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

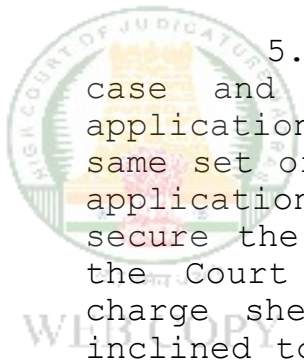
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC., in Crime No.170 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that accused said to have transported half unit of sand through Bullock Carts illegally.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution.

4. The learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that there are totally 2 accused and the petitioner herein is arrayed as A2, who is the owner of Bullock Cart. The earlier anticipatory bail in respect of the petitioner was dismissed by this Court as per order in Crl.O.P (MD)No.9010 of 2017, dated 19.07.2017 stating that the petitioner is having five previous cases in similar type of offences during the year 2013 - 2016. He also submitted that charge sheet was filed in other cases also and in one case, the petitioner was convicted for the same type of offence. The 2nd application seeking anticipatory bail in Crl.O.P(MD)No.10873 of 2017 was dismissed on 22.08.2017. The petitioner is still absconding. Investigation has been completed and absconding charge sheet is to be filed.



5. Considering the above facts and circumstances of the case and also considering the fact that though the present application is the 3rd application, seeking anticipatory bail on the same set of facts, after dismissal of the earlier anticipatory bail applications, the respondent Police has not taken any steps to secure the accused even though he appeared in other cases before the Court below and investigation was completed and absconding charge sheet is yet to be filed in this case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall report before the respondent daily twice ie., at 10.00 a.m., and 5.00 p.m., until further orders, for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
12/01/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TIRUNELVELI DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.715

ORDER IN
IN
CRL OP(MD) No.569 of 2018
Date :12/01/2018