



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.678 of 2018

MARIAPPAN @ MUTHUMARIAPPAN, ... PETITIONER/ ACCUSED NO.2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
MUKKODAL POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO.3 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in Crime No.3 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused transported 2 units of river sand using Tipper Lorry without getting any permission from the appropriate authority.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case and prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner along with other accused transported two units of river sand and the property which was used for the commission of offence was recovered. He further submitted that the investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner along with other accused transported two units of river sand without getting any permission from the appropriate authority and the property which was used for the commission of offence was recovered. Hence, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is not necessary for completing the investigation.

6. Taking note of 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 petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District, on condition that the petitioner 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

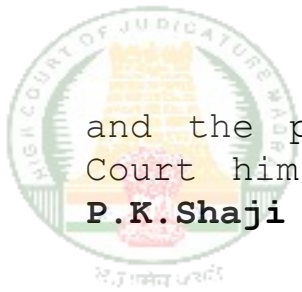
(i) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.3 of 2018, on the file of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District, without prejudice to his defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(ii) the petitioner shall appear 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed



and the petitioner 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]**

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sd/-
17/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI , TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MUKKODAL POLICE STATION,TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.924

GJM/CM/VR/SAR-2-23.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.678 of 2018
Date :17/01/2018