



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

Thursday, the Eighteenth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.822 of 2018

SUNDAR,

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.7 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : 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 petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence under Section 379 I.P.C., in Crime No.7 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported the river sand by using the tractor without valid permission. During patrolling, on seeing the police party, the petitioner ran away from the scene of occurrence. Hence, the respondent police registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is no way connected with the offence, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the tractor along with river sand has been recovered by the respondent police. He further submitted that there is no previous case is pending against the

petitioner. According to him investigation is not completed.

5. Considering the submissions made by the learned counsel on either side, it appears that the offence under Section 379 I.P.C., has been registered against the petitioner. According to the prosecution, during the time of alleged occurrence, the petitioner stolen away the river sand by using the tractor and the same has been recovered. So, nothing to be recovered by way of further custodial interrogation. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner subject to the certain conditions. Accordingly, he 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, Sivagiri, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police every mondy at 10.00 a.m for a period of two weeks, thereafter as and when required for interrogation.

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

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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 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/-
18/01/2018

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



msa/lis
TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI

2 DO THROUGH 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.D.RAMESHKUMAR Advocate SR.No.897

ORDER
IN
CRL OP (MD) No.822 of 2018
Date :18/01/2018

SMA/CM/VR/SAR-4-24.1.18-3P-6C