



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.826 of 2018

1 M.ARUNACHALAM

2 M.CHELLADURAI

... PETITIONERS 1 AND 2/
ACCUSED 5 AND 6

Vs

STATE REPRESENTED BY,
THE SPECIAL SUB INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.496/17

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.K.ESAKKI Advocate

For Respondent : M/S.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 petitioners/A5 &A6, who apprehend arrest at the hands of the respondent police for the offence under Section 379 I.P.C., in Crime No.496 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 27.12.2017, when the respondent police along with constables were doing vehicle inspection, at that time, the respondent police found that the petitioners have illegally transported one unit of river sand by using tractor bearing registration No.TN-76-8007 with trailer bearing registration TN-A-6639. Thereby, case has been registered against the petitioners herein.

3.The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, there were no way connected with the offence, and pleads for grant of anticipatory



bail to the petitioners. However, the learned counsel for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.3,000/- to the credit of Crime No.496 of 2017 before the Judicial Magistrate, Alangulam, Tirunelveli District, without prejudice to their defence before the trial Court.

4.The learned Government Advocate (Criminal Side) submitted that the petitioners have illegally transported the one unit of river sand by using the tractor trailer. He further submitted that the stolen properties as well as the vehicle, which was used for transportation of one unit of river sand, illegally, has been recovered.

5.Considering the submissions made by the learned counsel on either side, it seems that during the time of alleged occurrence, the petitioner stolen away the one unit of river sand by using tractor bearing registration No.TN-76-8007 with trailer bearing registration TN-A-6639. As per prosecution, the stolen river sand as well as the tractor trailer, which was used for transportation has been recovered. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. However, considering the quantity of the river sand, which was stolen away by the petitioners, this Court has imposed some stringent condition for granting anticipatory bail to the petitioners subject to 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, Alangulam, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 deposit a sum of Rs.3,000/- (Rupees three thousand only) to the credit of Crime No.496 of 2017 before the Judicial Magistrate, Alangulam, Tirunelveli District, without prejudice to their defence before the trial Court.

(ii)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.

(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 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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGULAM, TIRUNELVELI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE SPECIAL SUB INSPECTOR OF POLICE,
ALANGULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.ESAKKI Advocate SR.No.861

ORDER
IN
CRL OP(MD) No.826 of 2018
Date :18/01/2018

PK/RR-CSL/SAR-1/24.01.2018 : 3P/6C