



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.841 of 2018

MANIKANDAN,

... PETITIONER/ACCUSED NOT KNOWN

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION,
IN CRIME NO.4/2018,
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

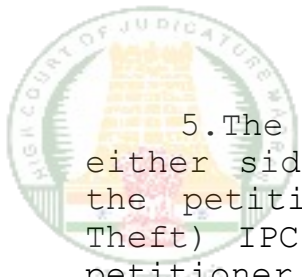
ORDER : The Court Made the following order :-

The petitioner/accused rank not known, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 (Sand Theft) IPC in Crime No.4 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 illegally transported one unit of odai sand in the tempo bearing registration No.TN-74-D-5536 without obtaining any valid permission from the appropriate authority. Hence, the case has been registered against the petitioner herein.

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 (Criminal Side) submitted that the petitioner along with other accused transported one unit of sand in the tempo lorry and no previous case is pending against the petitioner. He 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 petitioner for the alleged offence under Section 379 (Sand Theft) IPC. It is alleged that during the time of occurrence, the petitioner herein illegally transported the river sand to the tune of one unit. According to the prosecution, the property which was used for the commission of offence was recovered. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Accordingly, 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, Valliyoor 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 deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.4 of 2018 before the Judicial Magistrate, Valliyoor, without prejudice his defence before the Trial Court.

(ii) the petitioner 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 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 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/-
22/01/2018

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



1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.1241

ORDER
IN
CRL OP (MD) No.841 of 2018
Date :22/01/2018

SMA/RR-CSL/SAR-1/30.01.2018:3P/6c