



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.912 of 2018

KANDHA @ KANDHASAMY

... PETITIONER / ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE
MUKKUNDAL POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO. 4 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.ANGUSAMY 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/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 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 transported two bags of river sand through Star City Motorcycle, bearing Registration No.TN76 E4635, without obtaining any valid permission from the appropriate authority. Hence, the present complaint is registered 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 (Criminal Side) submitted that the petitioner along with other accused transported 2 bags of river sand in the motorcycle. He further submitted that the petitioner is having two previous cases, those cases were registered in the year 2014.



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 IPC. It is alleged that during the time of occurrence, the petitioner along with other two accused committed theft of sand by using scooter. As of now, the properties which was used for the commission of offence was recovered by the respondent police. Even though the petitioner is having two previous cases, those cases were registered in the year 2014. So, previous antecedents of the petitioner is cannot be taken into account for considering this application. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) 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.

(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/-

22/01/2018

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



cp/rmi
TO

1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
MUKKUNDAL POLICE STATION, TIRUNELVELI DISTRICT,

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

+1. CC to M/S.V.ANGUSAMY Advocate SR.No.1074

GJM/CM/VR/SAR-2-30.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.912 of 2018
Date :22/01/2018