



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

Monday, the Twenty Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.936 of 2018

RAMASAMY

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
ERAL POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT,
(CRIME NO. 385/2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.MUTHUPANDI 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 :-

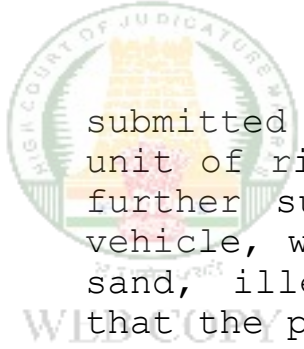
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC in Crime No.385 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other three accused were taken one unit of sand from the river by using 407 mini lorry and two- wheeler. On seeing the respondent police, the petitioner along with other accused were fled away from the scene of occurrence. 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.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side)



submitted that the petitioners have illegally transported one unit of river sand by using 407 mini lorry and two wheeler. He further submitted that the stolen properties as well as the vehicle, which was used for transportation of one unit of river sand, illegally, have been recovered. He further submitted that the petitioner is having one previous case.

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 herein 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, Srivaikundam, Thoothukudi 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:

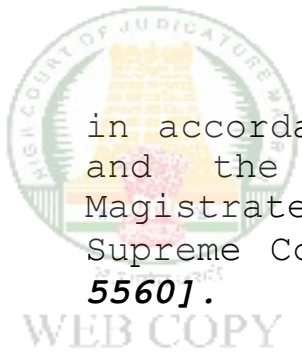
(i) The petitioner shall deposit a sum of Rs.2,500/- (Rupees two Thousand five hundred only) to the credit of Crime No.385 of 2017 before the Judicial Magistrate, Srivaikundam, Thoothukudi District, without prejudice his defence before the Trial Court.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of one month 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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ERAL POLICE STATION, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.MUTHUPANDI Advocate SR.No.1170

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

ORDER
IN
CRL OP(MD) No.936 of 2018
Date :22/01/2018