



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

Monday, the Twenty Second day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.948 of 2018

1 DHARMAR
2 KATTURAJA

... PETITIONERS/ACCUSED No.2 & 4

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT,
IN CRIME NO. 339/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

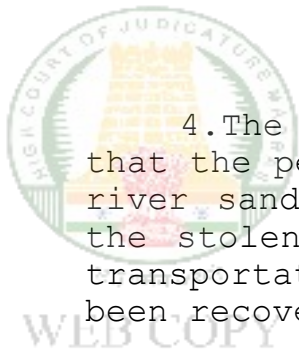
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 & A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC in Crime No.339 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 15.12.2017 the petitioners along with other accused illegally trying to take three gunny packs of river sand through their two wheelers. After seeing the respondent police, the accused persons were fled away from the occurrence place. Hence, the 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, he has not committed any offence as alleged, he is no way connected with the offence. He further submitted that the other accused persons 1 and 3 were already released on anticipatory bail by this Court in Crl.O.P.(MD)No.399 of 2017, dated 10.01.2018. Accordingly, they pray for granting anticipatory bail.



4.The learned Government Advocate (Criminal Side) submitted that the petitioners have illegally transported three gunny packs of river sand by using their two wheelers. He further submitted that the stolen properties as well as the vehicle, which was used for transportation of three gunny packs of river sand, illegally, has been recovered.

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 petitioners herein transported the river sand to the tune of three gunny packs. According to the prosecution, the property which was used for the commission of offence was recovered. Therefore, custodial interrogation of the petitioner is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners 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, Sivagiri on condition that each of the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) 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 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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TO

- 1 THE JUDICIAL MAGISTRATE,
SIVAGIRI, TIRUNELVELI DISTRICT
- 2 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.M.S.JEYAKARTHIK Advocate SR.No.1201

ORDER

IN

CRL OP (MD) No.948 of 2018

Date :22/01/2018

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