



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP(MD) No.17308 of 2017**

1 SOUNDER ALIAS SOUNDAR RAJ  
2 RAJU

... PETITIONERS/ACCUSED No.1&2

Vs

THE STATE REP.BY,  
THE SUB INSPECTOR OF POLICE,  
PECHIPARAI POLICE STATION,  
KANYAKUMARI DISTRICT.  
CRIME NO. 45/2017.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.N.DILIP KUMAR Advocate

For Respondent : MR.K.S.DURAIPANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC in Crime No.45 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally cut down three jack fruit trees standing in government land worth about Rs.50,000/-.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences and pleads for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor submitted that so far as the stolen property is not recovered and the investigation is not yet completed.

5.Submissions made on either side are considered. During the time of alleged occurrence, three jack fruit trees, worth about Rs.50,000/- were stolen by the petitioners herein. According to the prosecution, so far the stolen property is not yet recovered. Therefore, the custodial interrogation is necessary for recovering the stolen property. So, if anticipatory bail is granted in favour of the petitioners, it will affect the process of investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioners at this stage. Accordingly, this petition stands dismissed.

sd/-

05/01/2018

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

TO

- 1 THE SUB INSPECTOR OF POLICE  
PECHIPARAI POLICE STATION,  
KANYAKUMARI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.194

ORDER  
IN  
CRL OP(MD) No.17308 of 2017  
Date :05/01/2018

PK/RR/SAR-2/10.01.2018 : 2P/4C