



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.17460 of 2017

(*)1 THENRAJ @ THIAGARAJAN

2 BALAMURUGAN

... PETITIONERS / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT

(*) (CRIME NO. 508 OF 2017)

... RESPONDENT / COMPLAINANT

RAJ VIKRAM

... PETITIONER / INTERVENER
IN CRL MP(MD)No.9/18 IN CRL OP(MD)No.17460/17

For Petitioners : Mr.S.M.ANANTHA MURUGAN Advocate

For Respondent 1: Mr. K.S.DURAIPANDIAN Additional Public Prosecutor

For Intervener : Mr.A.THIRUVADIKUMAR, Advocate

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

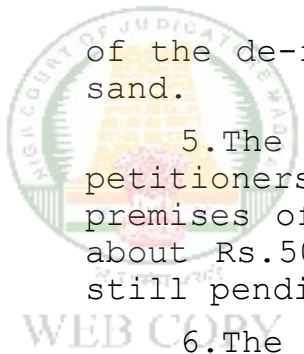
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 454, 457 and 380 of IPC in Crime No. 508 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have entered into the de facto complainant's fire works factory and have taken away 8 units of river sand. Hence, the present complaint is registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the first petitioner is the owner of the tractor and the second petitioner is a load man and they are innocent persons 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 counsel for the Intervenor submitted that some unidentified persons are said to have come to the fireworks factory



of the de-facto complainant at night hours and taken away the river sand.

5.The learned Additional Public Prosecutor submitted that the petitioners along with other accused unlawfully entered into the premises of the de-facto complainant and stolen away the sand worth about Rs.50,000/-. He further submitted that the investigation is still pending.

6.The submissions made by the learned counsel on either side are considered. According to the prosecution, the investigation is still pending. However, on going through the facts of the case, at the time of alleged occurrence, the petitioners along with other accused unlawfully entered into the premises of the de facto complainant and stolen away the sand worth about Rs.50,000/-. Since the property which was stolen by the petitioners was recovered, the custodial interrogation is not necessary.

7.Taking all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 No.I, Virudhunagar, Virudhunagar District, 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) Each of the petitioners are directed to deposit a sum of Rs.15,000/- (totally a sum of Rs.45,000/-) to the credit of Crime No. Crime No.508 of 2017 before the Judicial Magistrate Court No.I, Virudhunagar, Virudhunagar District.
- (ii) the petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) 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 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/-
05/01/2018

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WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR, VIRDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.S.M.ANANTHA MURUGAN Advocate SR.No.227

+1 CC TO Mr.A.THIRUVADI KUMAR , Advocate, Sr.No. 217

JAM/11/01/2018/RR/ SAR 3 / 3p-7c

ORDER
IN
CRL OP(MD) No.17460 of 2017
Date :05/01/2018