



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

Thursday, the Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17685 of 2017

1 KARUPPASAMY

... PETITIONER/SOLE ACCUSED

Vs

THE STATE,
THE INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 477/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU 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 :-

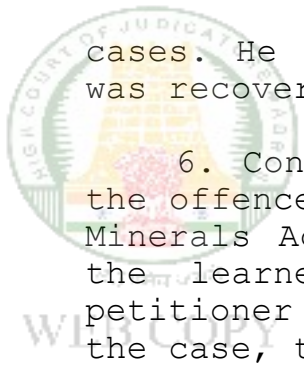
Heard both sides.

2.The petitioner is arrayed as sole accused in Crime No.477 of 2017 of Thalavaipuram Police Station. He apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 I.P.C., and Section 21(1) of Mines and Minerals Act, he has filed this petition, seeking relief to grant of anticipatory bail.

3.The case of the prosecution is that on 11.12.2017, when the Sub Inspector of Police along with his subordinates were in patrol duty, at that time, the tractor was came near Asaiyamani, on seeing the police officials, they were fled away from the place of occurrence and left the tractor. Thereafter, the police officials seized the tractor along with half unit of river sand. Hence, the respondent police registered a case as against the petitioner.

4.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 offences, and pleads for grant of anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor submitted that the petitioner is the owner of the vehicle and he is having two previous



cases. He further submitted that the vehicle along with river sand was recovered by the respondent police.

6. Considering the submissions on either side, it appears that the offence under Section 379 I.P.C., and Section 21(1) of Mines and Minerals Act, has been registered against the petitioner. However, the learned Additional Public Prosecutor represented that the petitioner is having two previous cases. I go through the facts of the case, the petitioner herein has committed the ½ unit sand theft.

7. Taking the above said aspects into consideration, and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(i) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before Judicial Magistrate, Rajapalayam on or before 18.01.2018, failing which, the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, Rajapalayam.

(iii) The petitioner is directed to appear before the respondent / police daily at 10.00 a.m. for a period of three weeks.

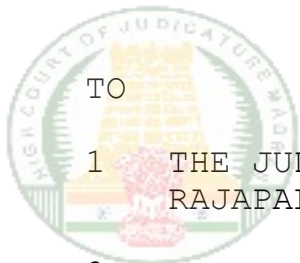
(iv) The petitioner shall make themselves available for interrogation as and when required by the investigation officer.

(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/-
04/01/2018

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
THALAVAIPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.145

ORDER
IN
CRL OP(MD) No.17685 of 2017
Date :04/01/2018

PK/CM-VR/SAR-1/08.01.2018 : 3P/6C