



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

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17890 of 2017

SHANMUGA SUNDARAM

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

CRIME NO.340/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.MOHIDEEN BASHA 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 A-1 in Crime No.340 of 2017 of Veeravanallur Police Station. He apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 IPC, he has filed this petition, seeking relief to grant anticipatory bail.

3.The case of the prosecution is that on 17.12.2017 at 04.00 a.m during night surveillance at St.Johns School, Veeravanallur, when the Special Sub Inspector of Police and other police officials stop the bike which was driven by petitioner and a tipper lorry, which was driven by one Selvakumar, they stopped the vehicle and escaped from the SOC. Thereafter, the police officials seized both the vehicles and found that the tipper lorry had one unit of unlicensed stand worth about Rs.4,000/-.

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 in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

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

5.The learned Additional Public Prosecutor submitted that the



petitioner/A1 is the owner of the vehicle and he has committed the sand theft worth about Rs.4000/-.

6.The learned counsel appearing for the petitioner further submitted that the petitioner is willing to deposit the said amount.

7.Considering the submissions on either side, it appears that the offences u/s 379 IPC has been registered against the petitioners. Now, the learned counsel for the petitioner submitted that the petitioner is willing to deposit the amount of Rs.4000/-. Now, considering the above factual aspects custodial intracation is not necessary for completing investigation.

8. Therefore, 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 shall deposit a sum of Rs.4,000/- (Rupees Four Thousand only) to the credit of Crime No.340 of 2017 before the Judicial Magistrate, Cheranmahadevi, Tirunelveli District.

(ii) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before Judicial Magistrate, Cheranmahadevi, Tirunelveli District on or before 17.01.2018, failing which, the petition shall stand dismissed automatically.

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

(iv) **The petitioner is directed to appear before the respondent / police daily at 10.00 a.m. for a period of 30 days.**

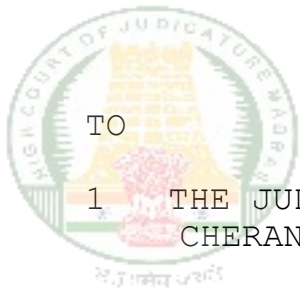
(v) The petitioner shall make himself available for interrogation as and when required by the investigation officer.

(vi) 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/-
03/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.N.MOHIDEEN BASHA Advocate SR.No.226

JAM/08/01/2018/RR/ SAR 1 / 3P-6C

ORDER

IN

CRL OP(MD) No.17890 of 2017

Date :03/01/2018