



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.17943 of 2017

1 NAGARAJAN
2 MARIAPPAN

... PETITIONERS / ACCUSED NO.2 & 4

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO.343/2017

... RESPONDENT / COMPLAINANT

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

For Respondent : MR.K.S.DURAI PANDIAN,
Additional Public Prosecutor

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

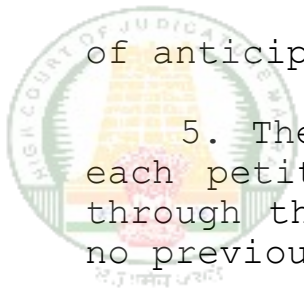
ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners are arrayed as A-2 and A4 in Crime No.343 of 2017 of Sivagiri Police Station. They apprehend arrest at the hands of the respondent police for the alleged offences under Section 379 IPC, they have filed this petition, in which they seeking the relief of anticipatory bail.

3. The case of the prosecution is that on 19.12.2017, when the de-facto complainant, namely, Velmurugan (SI) was conducting usual checkup on the occurrence place, he found that the accused persons herein were illegally trying to take each three cunny packs of river sand through their two wheelers bearing registration No.TN-79-D-1179 and TN-79-9477. After seeing the de-facto complainant, the accused persons 2 and 4 were fled away from the occurrence place.

4. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case, they have not committed any offence as alleged, they are in no way connected with the offences, and pleads for grant



of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that each petitioner have taken three cunny packs of river sand through their two wheelers. He further submitted that there is no previous case pending against the petitioners.

6. Considering the submissions on either side, it appears that the offence u/s.379 IPC has been registered against the petitioners. Considering the fact that the stolen property recovered further custodial interrogation is not necessary for completing investigation.

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

(i) The petitioners are granted anticipatory bail in the event of their arrest or on their surrender before Judicial Magistrate, Sivagiri on or before 17.01.2018, failing which the petition shall stand dismissed automatically.

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

(iii) **The petitioners are directed to appear before the respondent / police daily at 10.00 a.m. for a period of 30 days.**

(iv) The petitioners 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 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/-
03/01/2018

/ TRUE COPY /



ls/skn

TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI

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.79

GJM/CM/VR/SAR-2-5.1.18-3P-6C

ORDER

IN

CRL OP(MD) No.17943 of 2017

Date :03/01/2018