



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20282 of 2018

1 VELLAPANDI

2 DURAI @ ESAKKIDURAI

... PETITIONER/ ACCUSED 1 & 2

Vs

THE STATE BY

THE INSPECTOR OF POLICE

MOOLAKARAIPATTI POLICE STATION,

TIRUNELVELI DISTRICT

(CRIME NO.152 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.D.VENKATESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 (sand theft) of I.P.C., in Crime No.152 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners illegally transported three gunny bags of pond sand. Hence a case has been registered against the petitioners herein.

3.The learned counsel for the petitioners submitted that the petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case and that therefore, they may be granted anticipatory bail.

4.The learned Government Advocate (criminal side) appearing for the State submitted that the first petitioner is the rider and the second petitioner is the pillion rider of the two wheeler and there is no previous case pending against the petitioners.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioners shall appear before the respondent police as and when required for interrogation.

[b] If the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] The petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] The petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

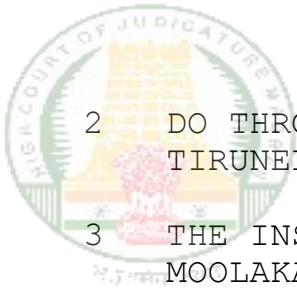
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/11/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to MR.D.VENKATESH Advocate SR.No.21442

ORDER

IN

CRL OP (MD) No.20282 of 2018

Date :13/11/2018

MSI/MMS/SAR-I/14.11.2018-3P/6C