



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

Wednesday, the Ninth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.326 of 2019

DEVARAJAN @ THIYAGARAJAN

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
IN CRIME NO. 269/2018,
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Section 379 (Sand Theft) of IPC, in Cr.No.269 of 2018 seeks anticipatory bail.

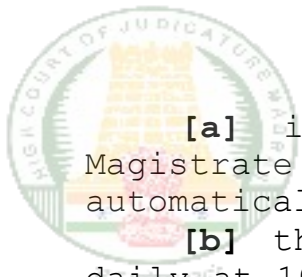
2.The case of the prosecution is that on 03.12.2018, the petitioner along with other accused persons, illegally transported eight gunny bags of river sand in his two wheeler.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged crime.

4.The learned Government Advocate (Crl. Side) submits that the co-accused has been released on anticipatory bail by this Court.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:



[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

sd/-

09/01/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

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

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No. 660

ORDER

IN

CRL OP(MD) No.326 of 2019

Date :09/01/2019

JM/VR/SAR 1/11.01.2019/2P/6C