



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.3121 of 2018

SURESH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
CHERANMAHADEVI POLICE STATION,  
TIRUNELVELI DISTRICT.  
(CRIME NO.244 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

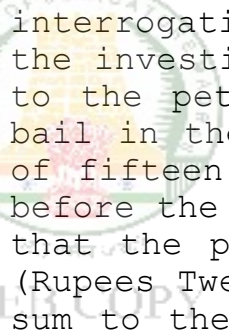
The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 I.P.C., in Crime No.244 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 06.10.2017 the respondent police conducting the vehicle check up, at that time, they found that the petitioner and another one accused had transported the 5 bags of sand illegally by using their bike. Hence, a case has been registered for the above said offence.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated, he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that the petitioner/A1 is the labourer. The stolen properties as well as the bike, which was used for transportation of sand, illegally, have been recovered. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner committed the sand theft. As of now, the stolen property and the property, which was used for the commission of offence have been recovered. Further more, the petitioner is the labourer and he is the first offender. Hence, custodial



interrogation of the petitioner may not be necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he 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, Cheranmahadevi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.00 a.m for a period of three weeks and thereafter as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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/-  
28/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
CHERANMAHADEVI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.3186

ORDER IN  
CRL OP(MD) No.3121 of 2018  
Date :28/02/2018