



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

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4877 of 2018

WEB COPY

UOOSICATTAN

... PETITIONER/ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
CRIME NO.140 OF 2018,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

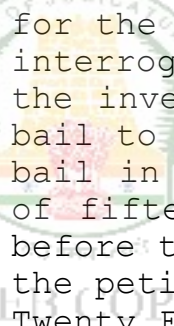
The petitioner/A2, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 379 I.P.C. r/w 21 (i) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.140 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, the defacto complainant, who is the Inspector of Police along with his police officials went to Rosemiyapuram, at that time, they found that the petitioner and other accused in this case had transported the odai sand illegally by using the Tempo, bearing Registration No.TN-72-R-4367. Hence, a case has been registered for the above said offences.

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 herein is a driver. He further added that the stolen property as well as the vehicle, which was used for the commission of offence 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, during the time of occurrence, the petitioner committed the theft of odai sand by using the tempo. As of now, the property and the vehicle, which was used



for the commission of offence have been recovered. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. So, 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, Valliyoor, 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/-
28/03/2018

/ TRUE COPY /

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

TO

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

CSL/PMI/SAR-IV/06.04.018 :2P/5C

ORDER
IN
CRL OP(MD) No.4877 of 2018
Date :28/03/2018