



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.22878 of 2018

MUTHUMARI

... PETITIONER / ACCUSED No. 1

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
CHOKKAMPATTI, KADAYANALLUR TALUK,
TIRUNELVELI DISTRICT.
IN CR.NO.272 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SELVAKUMAR Advocate

For Respondent : MR.R.ANANDHARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC registered in Crime No.272 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 07.12.2018, during vehicle check up by the respondent police at Punnaivanam Periyakulam, they found that the petitioner and another illegally transported alluvial sand through Mahindra Tractor bearing Registration Number. TN 76 B 4036 without any valid permission.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

4.According to the petitioner, he has not committed any offence as alleged by the prosecution and for statistical purpose, a false case has been registered against him.

5.The learned Additional Public Prosecutor opposed the grant of anticipatory bail by stating that the petitioner illegally transported alluvial sand through tractor.



6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner will make payment of Rs.10,000/- to show his bonafide.

7. Considering the facts and circumstances of the case and also taking into consideration of the fact that the case is relates to theft of sand, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Tenkasi, Tirunelveli District;

(ii) the petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees ten thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner. It is made clear that the bonafide offer made by the petitioner to deposit the amount would not amount to admitting the guilt;

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall surrender before the concerned Court within 15 days, failing which, the petition for anticipatory bail shall stand dismissed;

sd/-
27/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
TENKASI, TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
CHOKKAMPATTI POLICE STATION,
CHOKKAMPATTI, KADAYANALLUR TALUK,
TIRUNELVELI DISTRICT.



COPY TO:-

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT

+1. CC to MR.S.SELVAKUMAR Advocate SR.No.24069

WEB COPY

ORDER

IN

CRL OP(MD) No.22878 of 2018

Date :27/12/2018

MSI/JC/SAR-IV/07.01.2019-3P/7C