



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.22833 of 2018

PADAIYAPPA @ MURUGAN

...PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.317 of 2018

... RESPONDENT

For Petitioner : Mr.P.M.VISHNUVARTHANAN 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 :-

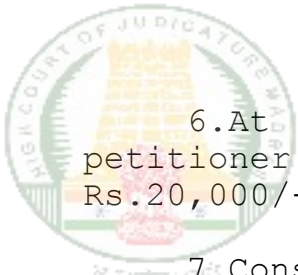
The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 registered in Crime No.317 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 11.11.2018, during vehicle check up by the respondent police, they found that the petitioner unlawfully transported sand through Eicher bearing Registration Number.KL 23 3111 and a two wheeler bearing Registration Number.TN 74 Q 9074 without any valid permission.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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 Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioner illegally transported one unit of sand.



6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioners will make payment of Rs.20,000/- 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, Valliyoor;

(ii) the petitioner shall make a non refundable deposit of Rs.20,000/- (Rupees twenty 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,
VALLIYOOR.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.



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

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

+1. CC to Mr.P.M.VISHNUVARTHANAN Advocate SR.No.24111

ORDER

IN

CRL OP(MD) No.22833 of 2018

Date :27/12/2018

TK/VR/SAR-3/04.01.2019/3P/7C