



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.23053 of 2018

1 STALIN
2 GANESAN

... PETITIONERS / ACCUSED 1 & 4

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
PAZHAVOOR POLICE STATION,
TIRUNELVELI DIST
(CRIME NO. 276/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.VENKATESH Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were remanded to judicial custody on 07.12.2018 in Crime No.276 of 2018 on the file of the respondent police for the offences punishable under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, and they seek bail.

2. The case of the prosecution is that the petitioners along with the other accused said to have illegally transported 7 lorries of pond soil with a help of 2 Hitachi vehicles without any valid permission. On seeing the respondent, the accused tried to escape from the place of occurrence and hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate [Criminal Side] appearing for the respondent State.

4. According to the petitioners, they did not commit any offence as alleged in the prosecution and they have been falsely implicated in this case with an ulterior motive.

5. The learned Government Advocate [Criminal Side] submitted that there is no previous case pending against the petitioners.



6. Considering the facts and circumstances of the case and also taking into consideration of the fact that the petitioners were arrested on 07.12.2018 and according to the petitioners, the co-accused, A7 to A10 were granted anticipatory bail. It is seen that with regard to the same involvement, A7 to A10 were granted anticipatory bail with a direction to deposit a sum of Rs.7,000/- (Rupees seven thousand) to the District Mineral Foundation of the concerned district. Since the petitioners have also offered to make a payment of Rs.5,000/- (Rupees five thousand) towards District Mineral Foundation of the concerned district, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a separate 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 learned Judicial Magistrate, Valliyoor.

(ii) the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders;

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.
- 3 THE INSPECTOR OF POLICE, PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYMAKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

+1. CC to Mr.D.VENKATESH Advocate SR.No.24145
PS/VR/SAR-1/28.12.2018/2P/8C

ORDER

IN

CRL OP (MD) No.23053 of 2018

Date : 27/12/2018