



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

Friday, the First day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1616 of 2019

PANDIYARAJAN

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.431/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENIN KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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 alleged offences punishable under Sections 379 of IPC r/w Section 21(1) and 21(2) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.431 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons were indulged in illegal sand mining by engaging a JCB.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P(MD) No.22964 of 2018 dated 27.12.2018. since the petitioners did not execute sureties within the stipulated time, this petition has been filed. He further submitted that co-accused have already obtained anticipatory bail from this Court on condition that the accused shall deposit a sum of Rs.45,000/- to the credit of District Mineral Foundation Trust of the concerned District.



4. The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in Crl.O.P(MD) No.22964 of 2018 dated 27.12.2018.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Aranthangi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District. Provided if the co-accused have deposited the amount as directed by this Court, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only), without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner;

[c] the petitioner shall report before the respondent police as and when required for interrogation

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/02/2019

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2280 dated 04/02/2019)

COPY TO:

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT.

ORDER

IN

CRL OP (MD) No.1616 of 2019

Date :01/02/2019

JM/VR/SAR 3/18.02.2019/3P/7C