



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.361 and 368 of 2019

1 KARTHICK@KARTHICKRAJA

2 JULI@JULIAN

... PETITIONERS / ACCUSED No. 5 & 12
IN CRL OP(MD) No. 361 of 2019

1 PONNUCHAMY

2 RAVI

... PETITIONERS / ACCUSED No. 10 & 11
IN CRL OP(MD) No. 368 of 2019

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
MATHUR POLICE STATION,
MATHUR, PUDUKKOTTAI DISTRICT
(CRIME NO.2/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.GANAPATHI SUBRAMANIAN Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC r/w. Section 21(1) of Mines and Minerals Act (Development and Regulation) Act registered in Crime No.2 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioners illegally transported four units of sand.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case and



that therefore, they may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the State submitted that there is no previous case pending against the petitioners. He further submitted that if the person is caught with illegal sand in the mining area, he has to be directed to deposit the conditional amount to the credit of Crime number. However, in view of formation of District Mineral Foundation Trust in each district, the amount may be deposited to the credit of the said Trust for rehabilitation in the illegal sand mining affected areas.

5.The learned counsel appearing for the petitioners would submit that the co-accused Nos.1 & 2 were already granted anticipatory bail by this Court in Crl.O.P(MD)No.182 of 2019, dated 08.01.2019 and this Court directed the accused Nos.1 & 2 to make a non refundable deposit of Rs.60,000/- to the credit of the concerned District Mineral Foundation Trust.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners herein on condition that after making non refundable deposit of Rs.60,000/- to the credit of the concerned District Mineral Foundation Trust by the petitioners in Crl.O.P(MD)No.182 of 2019/A1 & A2 as per the order of this Court, dated 08.01.2019 and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Keeranur on condition that the petitioners 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 learned Magistrate concerned and on further condition that:

(i) if the petitioners fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

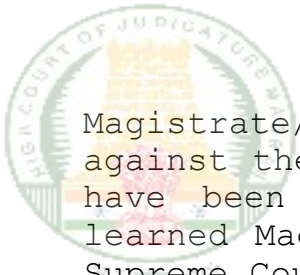
(ii) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

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

(v) On breach of any of the aforesaid conditions, the learned



Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
KEERANUR, PUDUKOTTAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT
- 3 THE INSPECTOR OF POLICE
MATHUR POLICE STATION, MATHUR, PUDUKKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

COPY TO:- THE CHAIRMAN/DISTRICT COLLECTION,
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT

+2. CC to MR.P.GANAPATHI SUBRAMANIAN Advocate SR.No.986 & 987

ORDER
IN
CRL OP (MD) Nos.361 & 368 of 2019
Date :18/01/2019

MSI/JC/SAR-III/24.01.2019-3P/8C