



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.6738 of 2019

SUNDAR

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KARAIYUR POLICE STATION,
IN CRIME NO.40/2019,
PUDUKKOTTAI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC r/w 21(i) of the Tamil Nadu Mines and Minerals (Development and Regulation) Act, in Crime No.15 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.M.Subash Babu, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3.The case of the prosecution is that the petitioner and other accused were illegally transporting sand in a lorry. Hence, a case has been registered.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner will deposit a sum of RS.30,000/- to show his bonafide.



5. Heard the learned Government Advocate (Crl Side) appearing for the respondent Police.

6. Considering the facts and circumstances of the case and also the learned counsel for the petitioner has come forward to deposit a sum of Rs.30,000/- to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.,30,000/- (Rupees Thirty thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Kanyakumari and preferably it can be utilized for the purpose of installation of UPS (inverter) in the Hospital wards depending upon the requirement within the district, on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, on executing a 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, Thirumayam, and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

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

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

8. Merely, because the petitioner had deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

Sd/-
15/05/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM,

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT

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

Copy To:

THE OFFICER IN CHARGE,
PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
KANYAKUMARI

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.8649

ORDER
IN
CRL OP (MD) No.6738 of 2019
Date :15/05/2019

ES/PN/SAR 1/21.05.2019/3P/7C