



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

Wednesday, the Fifteenth day of May Two Thousand and Nineteen

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PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.6764 of 2019

1 M.CHANDRASEKAR

2 R.PANNEERSELVAM

... PETITIONERS / ACCUSED A1 & A2

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
MANAPARAI POLICE STATION,  
TRICHY DISTRICT  
(CRIME NO.178/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.PRABU Advocate

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

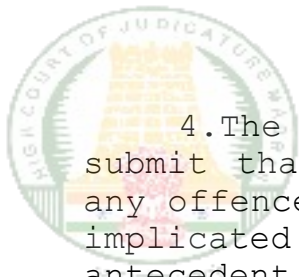
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

**ORDER** : The Court Made the following order :-

The petitioners/accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals Act in Crime No.178 of 2019 on the file of the respondent police, seek anticipatory bail.

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

3.The case of the prosecution is that on receiving the anonymous complaint, on 29.04.2019 at about 11.00 p.m., the *defacto* complainant who is the Village Administrative Officer, K.Periyapatti Village went to the occurrence place and found the petitioners were illegally transporting two units of sand by using JCB and Tipper Lorry vehicles bearing Registration No. TN-69-AC-9802 and HAR-3D-SSL-2603141 without any valid permission. Hence, the complaint.



4.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. According to him, there is no bad antecedent against them and to show their bonafide, they are also prepared to deposit some amount.

5.The learned Government Advocate (Crl Side) appearing for the respondent Police opposes the grant of bail that the petitioners are involved in illegal sand mining and were in possession of two units of sand.

6.Considering the facts and circumstances of the case and there is no bad antecedent against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7.Accordingly, the petitioners are directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only), to the account of Patient Welfare Society, District Headquarters Hospital, Trichy 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 petitioners are ordered to be released on bail in the event of arrest or on their 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, Manaparai, and on further conditions that:-

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

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

[d] the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners 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 petitioners, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)**



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

Sd/-  
15/05/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
MANAPARAI, TRICHY DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE  
MANAPARAI POLICE STATION,  
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**Copy To:**

THE OFFICER INCHARGE,  
THE PATIENT WELFARE SOCIETY,  
DISTRICT HEADQUARTERS HOSPITAL, TRICHY

+1. CC to M/S.M.PRABU Advocate SR.No.8458

ORDER  
IN  
CRL OP(MD) No.6764 of 2019  
Date :15/05/2019

ES/VR/17.05.2019/4P/7C