



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.6767 of 2019

JEYANANTH HARBAT @ JAYANTH HERBERT

... PETITIONER

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.25/2019)

... RESPONDENT

For Petitioner : MR.K.RAJESHWARAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC in Crime No.25 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.K.Rajeshwaran, 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 on 21.01.2019, when the petitioner's vehicle was returning from Virudhunagar to Krishnankovil, the tyre of the vehicle got bursted near Aralvaimozhi. Therefore, the vehicle was parked by the driver there itself. Subsequently, on 22.01.2019 the respondent police seized the vehicle, as if the vehicle was transporting illegal sand.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. According to him, there is no bad antecedent against him and to show his bonafide, he is also prepared to deposit some amount.



5.The learned Government Advocate (Crl. Side) opposes for the grant of anticipatory bail as the petitioner/Accused is involved in illegal sand mining and he was in possession of five units of sand.

6.Considering the facts and circumstances of the case and there is no bad antecedent against the petitioner, 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.75,000/- (Rupees Seventy Five 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, Boothapandi, Kanyakumari District, 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; and

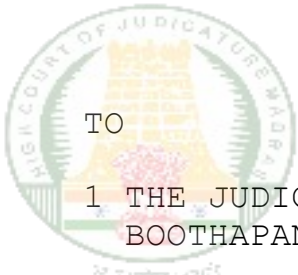
[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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 /

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



TO

1 THE JUDICIAL MAGISTRATE,
BOOTHAPANDI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-8556[I] dated 16/05/2019

COPY TO:

THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
KANYAKUMARI.

ORDER

IN

CRL OP(MD) No.6767 of 2019

Date :15/05/2019

JM/JC/SAR 1/21.05.2019/3P/7C