



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.6848 of 2019

MAHALINGAM

... PETITIONER / SOLE ACCUSED

Vs

THE STATE

BY THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMNAD DISTRICT

(CRIME NO.91 OF 2019) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH, Advocate

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

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

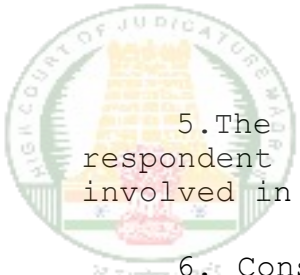
ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development and Regulations) Act in Crime No.91 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.D.Venkatesh, 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 de facto complainant visited Survey No.290, Nagarikathan village, where he found a TATA Ace vehicle bearing Reg. No.TN 65 Q 5652 loaded with sand without any valid permit. On seeing the de facto complainant, the petitioner escaped from the place of occurrence.

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. Hence, he prays to grant anticipatory bail to this petitioner.



5. The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of bail that the petitioner is involved in illegal sand mining and was in possession of one unit 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.15,000/- (Rupees Fifteen thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Ramnad District and the same shall be utilized for the purpose of installation of UPC in the wards in the Hospital and 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, Thiruvadanai 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 /

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

TO
1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>
2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT



3 THE INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM 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,
RAMNAD DISTRICT

+1. CC to M/S.D.VENKATESH Advocate SR.No.8606

ORDER
IN
CRL OP(MD) No.6848 of 2019
Date :15/05/2019

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