



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.6861 of 2019

KARNAN

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT
(CR.NO.96/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.B.JAMEEL ARASU, 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 Section 379 IPC r/w 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.96 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.B.Jameel Arasu, 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 26.04.2019, when the Inspector of Police was on patrol duty, he intercepted the petitioner's vehicle and found the petitioner/accused No.2 in possession with river sand without any valid permit.

4.The learned counsel for the petitioner submitted that the petitioner is innocent and has not commit any offence as alleged by the prosecution. 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 the grant of bail as the petitioner is involved in illegal sand mining and he is in possession of river sand.

6.Taking into consideration of the fact that 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.The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Thanjavur District and preferably it can be utilize for the purpose of installation of UPS (invertor) in the Hospital wards depending upon the requirements with in 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 Court No.II, Kumbakonam, Thanjavur 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.

[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 has 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 NO. II,
KUMBAKONAM, THANJAVUR DISTRICT

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3. THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION, THANJAVUR DISTRICT.

4. THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
THANJAVUR DISTRICT.

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

+1. CC to MR. B. JAMEEL ARASU Advocate SR.No.8518

ORDER

IN

CRL OP (MD) No.6861 of 2019

Date : 15/05/2019

GNS

PK/JC/SAR-3/22.05.2019 : 3P/7C