



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

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The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.6864 of 2019

1 SATHIYA MOORTHY

2 KANNAN@KANNAPPAN ... PETITIONERS / ACCUSED NOS. 1 & 2

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT,
(CRIME NO.47 OF 2019) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate

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

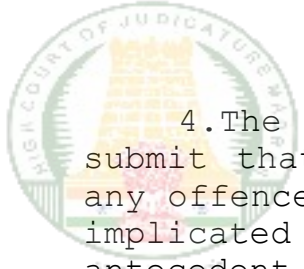
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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, 430 and 353 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of TNPPDL Act, 1992 in Crime No.47 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.M.S.Jeyakarthik, 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 29.04.2019 when the defacto complainant and two police officials conducted usual vehicle check up near Thanthangudi Kanmoi, they found that the petitioners have illegally transported three units of sand by using JCB and lorries. On seeing the defacto complainant, the petitioners fled away from the scene of occurrence. 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 the petitioners' bonafide, they are also prepared to deposit some amount. 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 petitioners are involved in illegal sand mining and were in possession of three units of sand.

6.Taking into consideration of 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.50,000/- (Rupees Fifty Thousand only) each, to the account of Patient Welfare Society, District Headquarters Hospital, Ramanathapuram 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, Kadaladi, 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) AIR SCW 5560]**.



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-III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, KADALADI,
RAMANATHAPURAM DISTRICT.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIKKAL 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, RAMANATHAPURAM

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.8412

ORDER
IN
CRL OP(MD) No.6864 of 2019
Date :15/05/2019

ES/PN/SAR 3/20.05.2019/3P/7C