



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.7010 of 2019

MAYAKRISHNAN

... PETITIONER /SOLE ACCUSED

Vs

STATE BY
THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.67/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S. BALAKRTHICK Advocate

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

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 26.04.2019 for the offence punishable under Section 379 of IPC and Section 25(1) of Mines and Minerals Development and Regulation Act and Section 3 of TNPPDL Act, in Crime No.67 of 2019, on the file of the respondent police, seeks bail.

2.Heard Mr.Balakarthick, 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 at about 11:00 hrs, the Village Administrative Officer lodged a complaint before the respondent police alleging that on the date of occurrence, she along with other officials conducted surveillance at Kanur and found some persons illegally transporting 2 units of sand from the Kanur Kanmoi in a lorry bearing Reg.No. TN 02 P 1490 and on seeing the officials, the petitioner/sole accused tried to escape. Thereafter, the accused was caught and his vehicle was seized by

the officials and he was remanded to judicial custody.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The learned counsel further submitted that this petitioner was arrested and remanded to judicial custody on 26.04.2019 He is languishing in the jail for the past 19 days. 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 bail as the petitioner is involved in illegal sand mining and he was in possession of two(02) units of sand.

6.Taking into consideration of the fact that the petitioner is in jail for a period of 19 days and there is no bad antecedent against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. The petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Sivagangai District 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 on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai 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)**



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

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

TO

1. THE ADDITIONAL DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE, MANAMADURAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT,

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5. THE OFFICER INCHARGE
PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
SIVAGANGAI DISTRICT

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

+1 CC to MR.S.BALAKARTHICK, Advocate (SR-8303[I] dated 15/05/2019)

ORDER
IN
CRL OP(MD) No.7010 of 2019
Date :15/05/2019

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AE/VR/SAR-II/ (17.05.2019) 3P 8C