



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.7017 of 2019

1 KARUTHAPANDI

2 THANGAIYA

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
THIRUNELVELI DISTRICT.
(CRIME NO.151 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.KATHIRESAPERUMAL 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, apprehends arrest at the hands of the respondent for the offences under Section 379 of IPC in Crime No.151 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.R.Kathiresaperumal, 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 05.05.2019 at about 07.00 a.m., when the respondent Police was on patrol duty, he intercepted the petitioner's vehicle and found the petitioner/accused No.2 in possession with ½ unit of river sand without any valid permit.

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. 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 ½ unit 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 bail to the petitioner subject to the following conditions.

7. The petitioner is directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the account of Patient Welfare Society, District Headquarters Hospital, Tirunelveli District and preferably it can be utilized 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 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 District Munsif cum Judicial Magistrate, Sivagiri, Tirunelveli 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 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SIVAGIRI,
TIRUNELVELI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
THIRUNELVELI DISTRICT.

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

+1 CC to M/s.R.KATHIRESA PERUMAL, Advocate (SR-8504[I] dated
16/05/2019)

COPY TO:
THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.7017 of 2019
Date :15/05/2019

JM/PN/SAR 2/21.05.2019/3P/7C