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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.7034 of 2019

B.ARUNPANDI @ ARUN ... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
INSPECTOR OF POLICE,
BODI TOWN POLICE STATION,
THENI DISTRICT.
(CRIME NO.440/2019) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MITHUNCHAKARAVARTHY, 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 No.1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353, 506(ii), 379 IPC r/w 21 (1) of Mines and Minerals Act, in Crime No.440 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.A.Mithun Chakaravarthy, 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 09.05.2019, the petitioner along with other accused persons transported the sand illegally, when the same was questioned by the Village Administrative Officer, the petitioner and the other accused persons ran away from the occurrence place. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that he will deposit a sum of Rs.15,000/- to show his bonafide. Hence, he prays for grant anticipatory bail.

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5.The learned Government Advocate (Crl Side) appearing for the State would submit that the petitioner transported the river sand illegally and opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances of the case and also the learned counsel for the petitioner has come forward to deposit a sum of Rs.15,000/- to show his bonafide, 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, Theni 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 in the event of 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, Bodi, Theni 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 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-I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE INSPECTOR OF POLICE,
BODI TOWN POLICE STATION,
THENI 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,
THENI DISTRICT

+1. CC to M/S.A.MITHUNCHAKARAVARTHY Advocate SR.No.8609

ORDER
IN
CRL OP(MD) No.7034 of 2019
Date :15/05/2019

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

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