



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.7062 of 2019

1 MAYILODI @MARIMUTHU

2 NARAYANAN

3 KOMBAN @ KOMBIAH

... PETITIONERS/ACCUSED 2,3 AND 4

Vs

STATE REP.BY,
INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 50 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.MANDHIRALINGESARAN, 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 petitioners/accused 2 to 4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353, 379 and 506(ii) IPC in Crime No.50 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr. Mandhiralingeswaran, 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 29.04.2019 at about 06:00 a.m., based upon the secret information, the de facto complainant/ respondent police went to the river bed of Muthalankurichi and found that the petitioners have taken away the river sand in cement bags using two wheeler M-80. On seeing the respondent police, the petitioners ran away from the scene, thereafter the respondent police seized the above two wheeler with one cement bag of river sand.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw the application insofar as the



first petitioner is concerned and he has also made an endorsement to that effect.

5. The learned Government Advocate (Crl Side) appearing for the respondent Police opposes the grant of anticipatory bail on the ground that the petitioners are involved in illegal sand mining and were in possession of one bag of sand. According to him, the first petitioner is also involved in three previous cases.

6. Taking into consideration of the facts and circumstances of the case and there is no bad antecedent against the second and third petitioners, this Court is inclined to grant anticipatory bail to the second and third petitioners subject to the following conditions.

7. Accordingly, the second and third petitioners are directed to deposit a sum of Rs.2,000/- (Rupees two thousand only) each to the account of Patient Welfare Society, District Headquarters Hospital, Thoothukudi and preferably it can be utilized for the purpose of installation of UPS (invertor) in the hospital wards depending upon the requirement within the District and on such deposit, the petitioners 2 & 3 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, Srivankundam, and on further conditions that:-

[a] the petitioners 2 & 3 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.

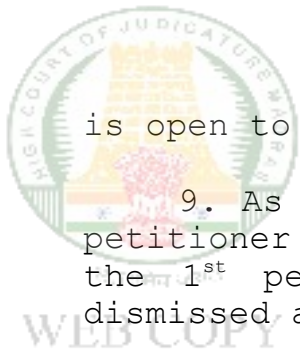
[b] the petitioners 2 & 3 shall report before the respondent police daily at 10.30 a.m, until further orders

[c] the petitioners 2 & 3 shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners 2 & 3 shall co-operate for the investigation and the trial. The petitioners 2 & 3 shall not abscond either during investigation or trial and in event of the petitioners 2 & 3 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 2 & 3, 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 2 & 3 have 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.

9. As regards the first petitioner, the learned counsel for the petitioner sought permission to withdraw this petition as against the 1st petitioner and in view of this same, this petition is dismissed as withdrawn, as against the first petitioner.

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, SRIVAIKUNDAM
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
3. INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
THOOTHUKUDI
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.MANDHIRALINGESARAN Advocate SR.No.8319

ORDER
IN
CRL OP(MD) No.7062 of 2019
Date :15/05/2019

AAV/STS
PK/PN/SAR-3/21.05.2019 : 3P/7C