



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.7080 of 2019

1 RAMARAJ
2 GANESAN
3 RAMALINGAM
4 RAJINTH

... PETITIONERS/ACCUSED No.1,3,4 & 5

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.106 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.P.SENGUTTARSAN 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 Nos.1, 3, 4 and 5, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC, 4(1) (1A), 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.106 of 2019, on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.P.Senguttuarasan, 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 07.05.2019, on a secret information the respondent police went to the Thummanayakkanpatti Odai, at that time, the petitioners along with other accused persons transported the sand illegally by using tractor bearing registration No.TN 25 W 8112.

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



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

6. Considering the facts and circumstances of the case and also the petitioners have come forward to deposit a sum of Rs.15,000/- to show their bonafide, 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.15,000/- (Rupees Fifteen Thousand only), to the account of Patient Welfare Society, District Headquarters Hospital, Madurai 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 petitioners are ordered to be released on bail in the event of or on their appearance, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate, Peraiyur, Madurai, 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 abscond, 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

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.

4. THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
MADURAI DISTRICT.

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

+1. CC to M/S.P. SENGUTTUARSAN Advocate SR.No.8478

ORDER

IN

CRL OP(MD) No.7080 of 2019

Date :15/05/2019

DAS

PK/JC/SAR-3/22.05.2019 : 3P/7C