



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.7082 of 2019

1 SAKTHISARAN@MOHAN

2 G.BACKIYARAJ

... PETITIONERS/ACCUSED No.A1 & A2

Vs

STATE REP.BY,
INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT,
(CRIME NO. 166 OF 2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.VENKATESAN, 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 No.1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.166 of 2019, on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.S.Venkatesan, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3.The case of the prosecution is that on 10.05.2019, the *de facto* complainant and the respondent police was on patrol duty, they found that the petitioners were in possession of 1½ unit sand illegally.

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 ~~seized~~ ^{seized} in this case. According to him, there is no bad antecedent against them and to show his bonafide they are also prepared to deposit some amount.



5. The learned Government Advocate (Crl Side) appearing for the respondent Police opposes for grant of anticipatory bail to the petitioners, as the petitioners are involved in illegal sand mining and were in possession of 1 ½ unit of sand.

6. Taking into consideration of the facts and circumstances of the case and there is no bad antecedent against the petitioners, 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.30,000/- (Rupees Thirty thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Thanjore 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 petitioners 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) each with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate, Papanasam 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 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 petitioners 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,
PAPANASAM, THANJAVUR DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION, THANJAVUR DISTRICT.
4. THE OFFICER INCHARGE,
THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
THANJORE DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.VENKATESAN Advocate SR.No.8634

ORDER
IN
CRL OP(MD) No.7082 of 2019
Date :15/05/2019

GNS/DAS
PK/PN/SAR-2/20.05.2019 : 3P/7C