



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) No.7124 of 2019

MUTHUMANICKAM

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
CRIME NO. 142 OF 2019,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.MARIAPPAN 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 no.3, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.142 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.G.Mariappan, 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 10.05.2019 at about 11.30 a.m., the respondent police intercepted three vehicles, namely, Tractor bearing Registration No.TN-67-AJ-210 and Trailor bearing Registration No.MF-241-D1 and another Trailor bearing Registration No.TN-67-D-9079 and found the petitioner in possession of one unit of sand without any permit. Hence, the complaint.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner had possessed with two units of river sand and he has also three previous cases.



5. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He has also filed typed-set showing photographs that the respondent police has taken Tractor from the workshop on 10.05.2019 and foisted this false case. According to him, there is no bad antecedent against him and to show his bonafide, he is also prepared to deposit some amount. Hence, he prays to grant anticipatory bail to this petitioner.

6. Taking into consideration of the facts and circumstances of the case and there is no bad antecedent against the petitioner, 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.25,000/- (Rupees Twenty Five Thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Virudhunagar 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 arrest 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 No.1, Virudhunagar 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 Inspector of Police, Amathur Police Station 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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR.
 - 3 THE SUB INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.G.MARIAPPAN, Advocate (SR-8497[I] dated 16/05/2019)

COPY TO:

- 1 THE PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
VIRUDHUNAGAR.
- 2 THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

ORDER
IN
CRL OP(MD) No.7124 of 2019
Date :15/05/2019

JM/JC/SAR 2/22.05.2019/3P/8C