



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.7147 of 2019

1 T.ACHUTHAN

2 A.SAGAYARAJ ... PETITIONERS / ACCUSED Nos. 1 & 2

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT,
(CRIME NO. 122 OF 2019). ... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.R.JEYARAJ, 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 petitioners, who are apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Section 379 I.P.C. and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.122 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.04.2019, the *de facto* complainant / Assistant Director of Geology and Mining, Nagercoil, was conducting a raid and found the petitioners driving the Tipper Lorry bearing registration No.TN57 K8255 carrying river sand without trip sheet and the respondent seized the vehicle. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. The learned counsel further submitted that there is no bad antecedent against the petitioners.



4. The learned Government Advocate (Criminal Side) vehemently opposed for the grant of anticipatory bail as the petitioners are involved in illegal sand mining and they were found in possession of river sand without trip sheet.

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5. Taking into consideration the nature of allegations made against the petitioners, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

- (i) 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;
- (ii) the petitioners shall report before the respondent police as and when required for interrogation;
- (iii) the petitioners shall not tamper the evidence or witness either during investigation or trial;
- (iv) 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 I.P.C.; and
- (v) 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, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
15/05/2019

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



TO

1 THE JUDICIAL MAGISTRATE NO.III,
NAGERCOIL

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.R.JEYARAJ Advocate SR.No.8475

ORDER
IN
CRL OP(MD) No.7147 of 2019
Date :15/05/2019

ES/JC/SAR 120.05.2019/3P/6C