



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

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CRL OP (MD) No.7188 of 2019

1 MAHARAJAN,

2 DURGAI RAJ,

... PETITIONERS/ACCUSED 1 AND 2

Vs

STATE REP BY:: THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION, TIRUNELVELI DISTRICT.
CR.NO.77/2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.DURAI RAJ Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

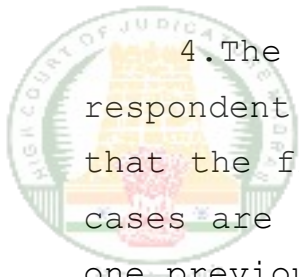
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 353, 307 and 379 of IPC in Crime No.77 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.S.R.Durai Raj, 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 08.05.2019, when the respondent police conducted check up near Seevalaperi Santhai Pettai Vilakku Bus Stop, the petitioner's lorry bearing registration no.TN 69 AF 1335 rushed without responding to the indication of the respondent police. When the respondent police chased the vehicle, one unit of river sand was found in the vehilce. Hence, a case has



4.The learned Government Advocate (Crl Side) appearing for the respondent Police opposes the grant of anticipatory bail and stated that the first accused person is having 14 cases, out of which four cases are similar in nature and the second accused person is having one previous case to his credit.

WEB COPY

5.The learned counsel appearing for the petitioner sought leave of this Court to withdraw this petition insofar as the first petitioner herein and he has also made an endorsement to that effect.

6.Accordingly, this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.

7.Insofar as the second petitioner is concerned, he was in possession of one unit of sand when the police has intercepted him. According to the learned Government Advocate, this petition is also involved in yet another case.

8.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second petitioner with the following conditions:

i)Accordingly, the second 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, Tirunelveli District and the same shall be utilized for the purpose of installation of UPC in the wards in the Hospital and on such deposit, the second 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.III, Tirunelveli, and on further conditions that:-

[a] the second petitioner as well as the sureties shall

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

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 second petitioner shall report before the respondent police as and when required for interrogation.

[c] the second 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 second 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 second 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]**.

9. Merely, because the second 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.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI
- 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE,
SEEVALAPERI POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE OFFICER INCHARGE, PATIENT WELFARE SOCIETY,
DISTRICT HEAD QUARTERS HOSPITAL,
TIRUNELVELI DISTRICT.

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.8345

KK PN SAR 2
17/05/2019/3P 7C

ORDER IN
CRL OP(MD) No.7188 of 2019
Date :15/05/2019