

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7456 of 2019

ANBALAGAN

... PETITIONER / ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.135 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MAHESWARAN Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, was arrested and remanded to judicial custody on 10.05.2019 for the offences punishable under Section 379 of IPC and Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.135 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is alleged to have transported 1/4 unit of sand illegally by using Bullock Cart. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the property, which was used for commission of offence, was recovered and the investigation is not yet completed.

5. The submissions made by the learned counsel on either side are considered. It is alleged, during the time of occurrence, the petitioner transported the sand without getting any permission from the appropriate authority. As of now, the property, which was used for commission of offence was recovered. Hence, further detention of the petitioner is not necessary for completing the investigation. Hence, considering the quantity of the sand, which was stolen away by the petitioner, period of incarceration and also considering the nature of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Thanjavur District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 condition that:

(i) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.135 of 2019 before the learned Judicial Magistrate, No.I, Thanjavur District, without prejudice to his defence before the trial Court;

(ii) 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;

(iii) the petitioners shall stay at Viralimalai and report before the Inspector of Police, Town Police Station, Viralimalai, daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) 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 abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is directed to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the

petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO I,
THANJAVUR DISTRICT.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT KUMBAKONAM.
 - 3.THE INSPECTOR OF POLICE,
THANJAVUR TOWN EAST POLICE STATION,
THANJAVUR DISTRICT.
 - 4.THE INSEPCTOR OF POLICE
TOWN POLICE STATION, VIRALIMALAI.
 - 5.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.MAHESWARAN Advocate SR.No.8840

ORDER
IN
CRL OP(MD) No.7456 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C