



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7466 of 2019

DESEKAN

... PETITIONER / ACCUSED No.4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION,
THANJAVUR DISTRICT.
Crime No.42 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MAHESWARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4, apprehending arrest at the hands of the respondent Police for the offence punishable under Section 379 IPC., r/w. Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.42 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 19.05.2019, the petitioner is alleged to have transported 1/4 unit of river sand illegally by using a 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, he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the stolen properties have been 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, without getting any permission from the appropriate authority the petitioner involved in sand mining. As of now, the property, which



was used for commission of offence was recovered. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. In the said circumstances, this Court is inclined to grant anticipatory bail to the petitioner with stringent condition.

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, Thiruvaiyaru, 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.42 of 2019 before the learned Judicial Magistrate, Thiruvaiyaru, without prejudice to his defence before the trial Court;

(ii) 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;

(iii) the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

(iv) 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.

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

30/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE
MARUVOOR POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to Mr.R.MAHESWARAN Advocate SR.No.8902

ORDER
IN
CRL OP (MD) No.7466 of 2019
Date :30/05/2019

TK/JC/SAR-3/03.06.2019/3P/6C