



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon'ble Mr. Justice B. PUGALENDHI

CRL OP (MD) No. 7028 of 2019

LAKSHMANAN ... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
IN CRIME NO. 78/2019,
TIRUNELVELI DISTRICT ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.SUSI KUMAR, 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 petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC (Sand Theft) in Crime No. 78 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. Heard Mr.C.Susi Kumar, 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 the petitioner is allegedly said to have transported ¼ unit of sand without any valid permit. Hence, the complaint.

4. 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. According to the petitioner, there is no bad antecedent against him and to show his bonafide he is also prepared to deposit some amount.



5. The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of bail that the petitioner is involved in illegal sand mining and was in possession of $\frac{1}{4}$ unit of sand. According to him, the petitioner is also involved in two similar cases.

6. Considering the facts and circumstances of the case 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.15,000/- (Rupees Fifteen thousand only) to the account of Patient Welfare Society, District Headquarters Hospital, Tirunelveli District and preferably it can be utilized for the purpose of installation of UPS (invertor) in the Hospital wards depending upon the requirements with in 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, Nanguneri 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 respondent police 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

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI

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

3 THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT

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

Copy To:

THE OFFICER INCHARGE,
PATIENT WELFARE SOCIETY,
DISTRICT HEADQUARTERS HOSPITAL,
TIRUNELVELI DISTRICT

ORDER
IN
CRL OP(MD) No.7028 of 2019
Date :15/05/2019

ES/JC/SAR 1/22.05.2019/3P/6C