



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2020

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PRESENT

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP(MD). No.1907 of 2020

1. Karthik @ Karthikeyan
2. Senthil

... Petitioners/Accused No.2 & 3

Vs.

State, rep. by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
Crime No.58 of 2020.

... Respondent/Complainant

For Petitioners : Mr.A.Ananda Raj, Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.58 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (crl. side) appearing for the respondent.

2.The petitioners apprehend arrest at the hands of the respondent for the offences punishable under Sections 379 of IPC and 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.58 of 2020 on the file of the Inspector of Police, Thirumangalam Police Station, Madurai District.

3.The case of the prosecution is that the inspection squad headed by the jurisdictional Tahsilar noticed that there was an illegal removal of sand from Pappankulam Tank at around 09.45 P.M on 29.01.2020. The sand was being stolen by use of heavy machinery, such as Hitachi machine and tipper lorries. Seeing the inspection team, the offenders took to their heels. However, the inspection



team seized them and apprehended one Esakki who was operating the Hitachi machine. Two tipper lorries as well as the Hitachi machine were seized and handed over to the respondent police. Based on the confession of the said apprehended person, the involvement of the petitioners herein came to light.

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4.The petitioners herein were drivers of the two tipper lorries. The petitioners' counsel would claim that the petitioners have been falsely implicated. It is not in dispute that two lorries were found on the occurrence spot and that they were also seized. Obviously, the lorries were driven by the two persons and the confession of Esakki implicates the petitioners herein as the two persons who drove those two lorries. The case of the prosecution appears to be quite probable.

5.The learned counsel for the petitioners pleads that the petitioners are first time offenders and that they are ready to abide by any condition that may be imposed by this Court. In all cases, pertaining to sand removal, if the accused are not having bad antecedents, invariably they are granted anticipatory bail by being put on suitable terms. Usually, certain sum of money is directed to be deposited to the credit of the District Mineral Foundation Trust. Such a deposit is made non refundable. The accused are willing to be put on such terms. In lieu of the same, they are spared the agony of incarceration.

6.I would have directed the petitioners herein to deposit a sum of Rs.7,500/- each to the credit of the concerned District Mineral Foundation Trust. But, I consciously decided to make a departure. I direct the petitioners herein to deposit a sum of Rs.7,500/- each to the credit of the Superintendent, Government Observation Home, Kamarajar Salai, Madurai bearing bank Account No.161401000024282, MICR Code : 625020012, IFSC Code : IOBA0001614, Indian Overseas Bank, Teppakulam Branch, Madurai.

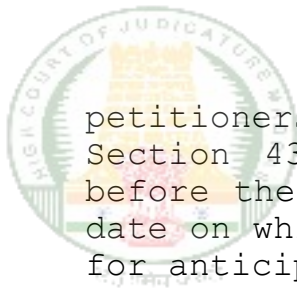
7.There is a reason for issuing such a direction. The Hon'ble Supreme Court has mandated that the implementation of the Juvenile Justice Act must be monitored by the respective High Courts. The Hon'ble Chief Justice has constituted a Committee in this regard. The Hon'ble Mr.Justice T.Raja is a member of the said Committee and the team headed by His Lordship inspected the Government Observation Home at Kamarajar Salai, Madurai on 04.02.2020 in the evening. It was noticed that the block housing the Juvenile Justice Board is not being maintained well. The rest room and other places had layers of dust.

8.But, we cannot blame Ms.Sakeela Banu, Superintendent of the Home. She is doing her best under the circumstances. There are totally 52 male inmates and one female inmate. His Lordship issued clear instructions that the rest room and the kitchen should be

two full

10. By this arrangement, a sum of Rs.5,76,000/- can be raised. The said sum will meet the requirements in this regard for a period of three years. This can be reviewed towards the expiry of the three year period. It is made clear that the said sum of Rs.5.76 lakhs will stand earmarked exclusively for the purpose mentioned above. It will not be utilized for any other purpose. The Superintendent of the Home shall invest the said amount in an interest bearing account and shall transfer a sum of Rs.16,000/- every month to the two sweepers who have been engaged for the month. The Superintendent of Home is strictly mandated to bear this in mind. Any violation of this direction will be viewed strictly and seriously. It is hoped that the Government of Tamil Nadu will sanction two posts of Sweepers in the meanwhile.

<https://hdservices.ccsu.edu/index.cfm?services>



petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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05/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

1. THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE JUDICIAL MAGISTRATE NO.III, MADURAI/ THE CHAIRPERSON,
JUVENILE JUSTICE BOARD, MADURAI.
3. THE SUPERINTENDENT, GOVERNMENT OBSERVATION HOME,
NO.164,KAMARAJAR SALAI, MADURAI-09.

+1 CC to M/s.A.ANANDA RAJ, Advocate (SR-2432[I] dated 06/02/2020)

ORDER
IN
CRL OP(MD) No.1907 of 2020
Date :05/02/2020

MS/PN/SAR-2/06.02.2020/4P.9C