



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

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14695 of 2017

1 KANNAN @ SUDALAIKANNU
2 SUDALAIKKAN

... PETITIONER / ACCUSED NO.2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.319/2017

... RESPONDENTS / COMPLAINANT

For Petitioners : MANIVELPANDIAN for M/S.T.A.EBENEZER Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Cr1. Side)

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

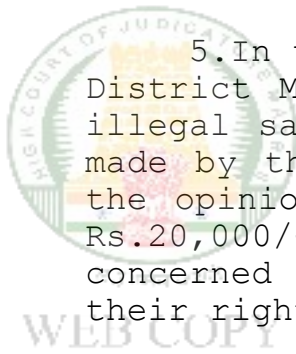
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 of IPC and Section 21(1) of MMDR Act r/w Section 3 of TNPPDL Act, in Crime No.319 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 15.10.2017, the petitioners and other accused persons illegally transported river sand through vehicle, without valid licence. While seeing the police, the petitioners increased the speed and dashed the electric pole and damaged to the worth of Rs.20,000/-. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offences as alleged by the prosecution. He fairly conceded that the petitioners are ready and willing to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that petitioners have illegally transported a river sand through vehicle and the vehicle was seized by the respondent police. The case was registered against the petitioners.



5. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities and also considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on anticipatory bail, subject to the following conditions;

- (i) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to their defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;
- (ii) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate, Nanguneri;
- (iii) the petitioners shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (v) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (vi) the petitioners shall not commit any offence while on bail;
- (vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

01/11/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, NANGUNERI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
THISAIYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO

THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND,
TIRUNELVELI

+1. CC to M/S.T.A.EBENEZER Advocate SR.No.33624

ORDER

IN

CRL OP(MD) No.14695 of 2017

Date :01/11/2017

MKV-PM-PN-SAR 1/7.11.2017/3P-7C