



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

Thursday, the Second day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14817 of 2017

MATHESH @ MATHESHWARAN

... PETITIONER/ACCUSED No.2

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
CR.NO.454/2017

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.G.KANDHA VADIVELAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)

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.2, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 r/w 21(1) Mines and Minerals Act, 1957, in Crime No.454 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused person illegally transported river sand through vehicle. When the defacto complainant tried to prevent the same, the petitioner and other accused person fled away from the scene of occurrence. Hence, a case has been registered against the petitioner and other accused person for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offences as alleged by the prosecution. He fairly conceded that the petitioner is ready and willing to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions.



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

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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 petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions.

6. Merely, because the petitioner has 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.

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 petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to his defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(ii) 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 learned Judicial Magistrate, Musiri;

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

(v) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(vi) the petitioner 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 petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
02/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE
MUSIRI
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, TRICHY DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST FUND
TRICHY DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.G.KANDHA VADIVELAN Advocate SR.No.33883

ORDER
IN
CRL OP(MD) No.14817 of 2017
Date :02/11/2017

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SH/RR/SAR-2:08.11.2017:3P/7C