



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

Thursday, the Second day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14824 of 2017

WEB COPY

BALAMURUGAN

... PETITIONER/ACCUSED No.1

Vs

THE STATE BY REP.
THE INSPECTOR OF POLICE,
SRIVAISKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT,
IN CRIME NO.303/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MUTHUPANDI, Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl.Side)

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

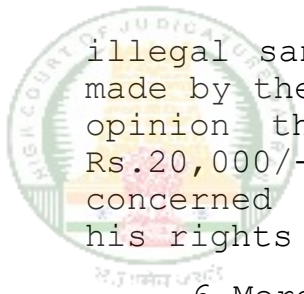
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of respondent police for the offences punishable under Sections 147, 379 of I.P.C and r/w Section 3 of TNPPDL Act, in Crime No.303 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 14.09.2017, based on reliable information, the respondent police inspect the Tamirabarani River, Duraisampuram, Srivaikundam, the petitioner and other accused persons illegally transported river sand through vehicle. On seeing the police the petitioner and other accused persons fled away from the scene of occurrence. Hence, a case has been registered against the petitioner and other accused persons 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.20,000/- (Rupees Twenty 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 and other accused persons have illegally transported river sand through vehicle and the vehicle was seized by the respondent police. The case was registered against the petitioner and other accused persons.



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.20,000/- (Rupees Twenty 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.20,000/- (Rupees Twenty 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, Srivaikundam, Thoothukudi District;

(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

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
SRIVAICKUNDAM, THOOTHUKUDI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
SRIVAICKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.33723

ORDER

IN

CRL OP(MD) No.14824 of 2017

Date :02/11/2017

PK/RR/SAR-3/08.11.2017 : 3P/6C