



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

Friday, the Third day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14900 of 2017

1 PERKMANS
2 SUDALAIKANI
3 KUMAR

... PETITIONERS/ACCUSED No.3,4 & 5

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO. 290 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK Advocate

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

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

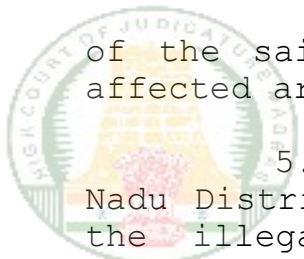
ORDER : The Court Made the following order :-

The petitioners / A3, A4 & A5, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Crime No.290 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.10.2017, the defacto complainant/VAO conducted checkup, he found that the accused person without any valid permission, illegally transported sand through bullock cart. Accordingly, the bullock cart was seized by the respondent police as against the petitioner.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, they are ready to abide any condition that may be imposed by this Court.

5.The learned Government Advocate (Crl.side) appearing for the State submitted that there are three previous cases as against the petitioners 2 and 3 / Accused Nos.4 and 5. He further submitted that if the person is caught with illegal sand in the mining area, he has to be directed to deposit the conditional amount to the credit of Crime Number. However, in view of formation of District Mineral Foundation Trust, the amount may be deposited to the credit



of the said Trust for rehabilitation in the illegal sand mining affected areas.

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 first petitioner / A3, this Court is of the opinion that the first petitioner/A3 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

6. Merely, because the first petitioner/A3 has 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. Since the petitioners 2 and 3 / A4 and A5 having three previous cases, this Court is not inclined to grant anticipatory bail to the petitioners 2 and 3 / A4 and A5. Hence this petition is dismissed as against the petitioners 2 and 3 / A4 and A5.

8. 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 first petitioner/A3. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the first petitioner/A3 shall deposit a sum of Rs.10,000/- (Rupees Ten 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 petitioner;

(ii) the first petitioner/A3 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 Judicial Magistrate, Sivagiri;

(iii) the first petitioner/A3 shall report before the respondent police, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;

(iv) the first petitioner/A3 shall not tamper with evidence or witness either during investigation or trial;

(v) the first petitioner/A3 shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(vi) the first petitioner/A3 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/-
03/11/2017

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SIVAGIRI
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- 5 THE OFFICER IN CHARGE
DISTRICT MINERAL FOUNDATIONS TRUST FUND,
TIRUNELVELI DISTRICT

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.33817

ORDER
IN
CRL OP(MD) No.14900 of 2017
Date :03/11/2017

SMA/PM-PN/SAR-1/10.11.2017:3P/7c