



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

Tuesday, the Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15035 of 2017

1 IYYAKUTTI
2 RAJA

... PETITIONERS / ACCUSED NO. 5 & 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.318/2017)

... RESPONDENT / COMPLAINANT

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

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

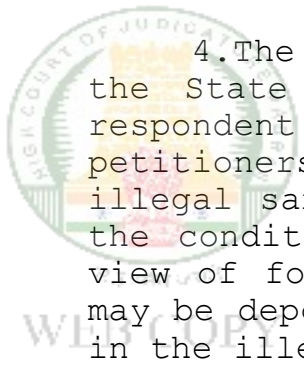
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.5 and 6, apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C. r/w. Section 3 of TNPPDL Act, in Crime No.318 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police conducted secret inspection at Thidiyur Pachai Anai Riverbed near Tamilzhakurichi velaku Thidiyur Pachai aaru river, they found that the petitioners have illegally transported 200kgs of river sand from the above said place through 8 two wheelers bearing registration Nos.TN-72-BA-7391, TN-72-AM-5154, TN-72-9416, TN-72-BY-3549, TN-67-AY-0654, TN-72-BF-3044, TN-18-J-6662 and TN-72-AX-4313 without any valid permission. On seeing the law enforcing agency, the petitioner fled away from the scene of occurrence. 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 persons 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.10,000/- (Rupees Ten Thousand only) each 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 the 8 two wheeler were seized by the respondent police and there is no previous case pending against the petitioners. 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 petitioners, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 (Crl.side), I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 report before the respondent police, daily between 10.00 a.m., and 11.00 a.m., for a period of two weeks;

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;



(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial;

(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/-

07/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI.

+1. CC to M/S.P.MUTHUPANDI, Advocate, SR.No.34076

ORDER

IN

CRL OP(MD) No.15035 of 2017

Date : 07/11/2017

MS/PM-PN/SAR.4/13.11.2017/3P.7C