



**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.15063 of 2017

SENTHIL KUMAR,

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.501 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK 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, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC and Section 21(i) of Mines and Minerals (Development & Regulation) Act, in Crime No.501 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the Sub-Inspector of Police and his subordinates were involving in patrol duty on 01.11.2017. The petitioner was illegally transported river sand, without valid license and on seeing the police, the petitioner fled away from the scene of occurrence. Hence, a complaint has been registered against the petitioner.

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.15,000/- (Rupees Fifteen 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 the vehicle was seized by the respondent police and a case was registered against the petitioner. He further submitted that no previous case was pending against the petitioner



and 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 area.

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.15,000/- (Rupees Fifteen 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 with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Trichy, on condition that 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 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 petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen 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 report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;

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

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

(v) the petitioner shall not commit any offence while on bail;

<https://hcservices.ecourts.gov.in/hcservices/>

(vi) 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/-
07/11/2017

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE,
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH Court, MADURAI.

COPY TO:- THE OFFICERS INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
TRICHY.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.34007

ORDER
IN
CRL OP(MD) No.15063 of 2017
Date :07/11/2017

MV:PM-PN:SAR3:10/11/2017/3P/7C