



**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.15065 of 2017

1 SEENI PANDI,
2 GANESAN,

... PETITIONERS / 2 & 3 ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.208 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.J.KARTHICK 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 :-

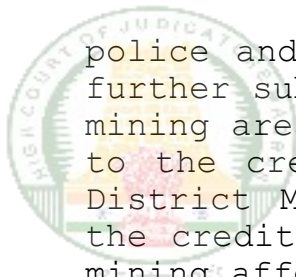
The petitioners, apprehend arrest at the hands of the respondent police for the offences punishable under Section 294(b), 353, 506(ii), 379 IPC and 21(1) Mines and Minerals Development and Regulations Act, 1957, in Crime No.208 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 31.10.2017, the petitioner was illegally transported river sand through vehicle. When the same was questioned by the respondent police, the petitioners abused the respondent police with filthy language and escaped from the scene of occurrence. Hence, a case was registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent 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.15,000/- (Rupees Fifteen Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

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

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 petitioners. He would further submit 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 area.

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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 petitioners, this Court is of the opinion that the petitioners are 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 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 (Criminal 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, Sankarankovil, on condition that the petitioners 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 petitioners 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 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 investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;

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

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



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(vi) 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,
SANKARANKOVIL.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH Court,MADURAI.

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.33969

ORDER
IN
CRL OP(MD) No.15065 of 2017
Date :07/11/2017

MV:SM:SAR3:13/11/2017/3P/7C