



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

Thursday, the Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15292 of 2017

1 V. MARI
2 S. AKNIRAJ

... PETITIONERS / ACCUSED 4 & 5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION,
IN CRIME NO.397/2017,
VIRUDHUNAGAR DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.J.SENTHIL KUMARAIAH Advocate

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

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

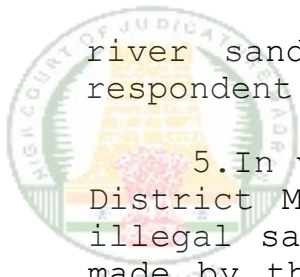
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.4 & 5, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 of I.P.C, and Section 21(5) of Mines & Minerals (Development and Regulation) Act, in Crime No.397 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that, the petitioners illegally transported sand from Pond located in K.Karisalkulam Village through two vehicles, without valid licence. When the respondent police questioned the same, the petitioners abused the respondent police. 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 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.equip.gov.in/hcservices/>
The learned Government Advocate (Criminal side) appearing for the State submitted that petitioners have illegally transported a



river sand through vehicle and the vehicle was seized by the respondent police. The case was registered against the petitioners.

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 (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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Virudhunagar, 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.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 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 himself 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 petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

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sd/-
09/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND, VIRUDHUNAGAR

+1. CC to M/S.J.SENTHIL KUMARAIAH Advocate SR.No.34161

ORDER
IN
CRL OP(MD) No.15292 of 2017
Date :09/11/2017

MKV-PM-PN-SAR 4/17.11.2017/3P-7C