



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

Friday, the Tenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15373 of 2017

AYYAPPAN

... PETITIONER / 1st ACCUSED

Vs

THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO. 315/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : Mr.K.ANBARASAN Government Advocate (Crl. Side)

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

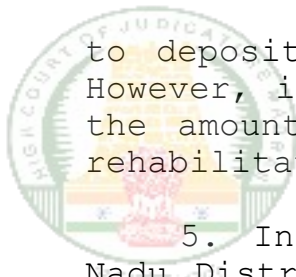
ORDER : The Court Made the following order :-

The petitioner, who arrayed as Accused No.1, apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 (Sand) of I.P.C., r/w 21(1)(iv) of Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.315 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.10.2017, the petitioner illegally transported river sand through his own vehicle bearing Registration No.TN74-B-2066, without valid licence. When the defacto complainant asked to produce the necessary permission slip, they escaped from the place of occurrence leaving the vehicle, hence he gave the complaint before the respondent police. Hence, a case has been registered against the petitioner for the above said offence.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by prosecution and prays for anticipatory bail.

4.The learned Government Advocate (Criminal side) appearing for the respondent Police, on instructions, would submit that the investigation is still pending and no previous case is pending against the petitioner. 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, this Court is of the opinion that no case is pending against the petitioner, may be 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 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 (Crl.side), I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:-

(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 thereafter, the learned Magistrate shall accept the sureties furnished by the petitioner;

(ii) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Nanguneri;

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

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

(vi) the petitioner 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 bail granted stands cancelled automatically.

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sd/-

10/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
NANGUNERI 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 FUND,
TIRUNELVELI DISTRICT.

+1. CC to M/S.D.VENKATESH Advocate SR.No.34230

ORDER
IN
CRL OP(MD) No.15373 of 2017
Date :10/11/2017

MV:SM:SAR4:15/11/2017/3P/7C