



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

Wednesday, the Twenty Second day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15973 of 2017

PALANICHAMY

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY,
THE SUB INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO. 462/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU Advocate

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

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

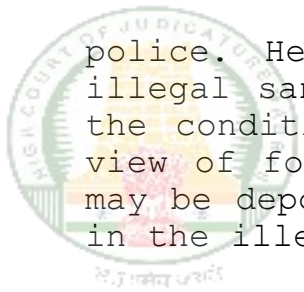
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C., and Sections 21(5) and 23 of Mines and Minerals Act., in Crime No.462 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.11.2017, when the respondent police conducting vehicle check up, they found that the petitioner has illegally transported 1½ unit of river sand through lorry bearing Registration No.TN-67-AE-4368. Accused No.2 and 3 are cleaner and driver of the lorry. Hence, a case has been registered against the petitioner for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is innocent person 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 lorry was seized by the respondent



police. 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 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 (Crl.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 Judicial Magistrate Court No.I, Virudhunagar, on condition that the petitioner 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 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 respondent police, daily between 10.00 a.m., and 11.00 a.m., for a period of two weeks;

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

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



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

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

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(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.

sd/-

22/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR
- 3 THE SUB INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER-IN-CHARGE,
DISTRICT MINERAL FOUNDATION TRUST, VIRUDHUNAGAR
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.MARIMUTHU Advocate SR.No.34924

ORDER

IN

CRL OP(MD) No.15973 of 2017

Date :22/11/2017

PK/RR/SAR-1/29.11.2017 : 3P/7C