



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15996 of 2017

PONMARI

... PETITIONER/ACCUSED No.1

Vs

STATE REP BY
THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO. 669/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.SARAVANAKUMAR 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 petitioner / accused no.1, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C., r/w 21(1) of Mines and Minerals Act, in Crime No.669 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.11.2017 the petitioner illegally transported river sand through vehicle. When the defacto complainant tried to prevent the same, the petitioner fled away from the scene of occurrence. Hence, a case has been registered against the petitioner and other accused person for the above said offences.

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.45,000/- (Rupees Forty Five 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 petitioner has illegally transported a river sand through vehicle and the vehicle was seized by the



respondent police. The case was registered against the petitioner. He further submitted that petitioner is having three previous cases.

5. The learned counsel would submit that the petitioner is in the Intensive Care Unit (I.C.U) and he may recover within a period of two weeks, thereafter, the petitioner may be permitted to execute the sureties before the concerned Court.

6. 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.45,000/- (Rupees Forty Five 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.

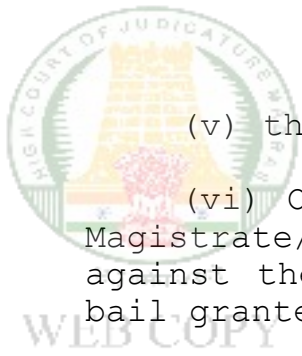
7. Considering the facts and circumstances of the case and also considering the submission that since the petitioner was admitted in the hospital and he is in Intensive Care Unit (I.C.U), the personal appearance of the petitioner is dispensed with unless the respondent police feels that their presence is required. After recovery, the petitioner is directed to surrender before the concerned Court, I am inclined to grant anticipatory bail to the petitioner. 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.II, Sattur, 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.45,000/- (Rupees Forty Five Thousand only) to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to his defence before the trial Court and on production of receipt of such deposit, the learned Judicial Magistrate shall accept the two sureties;

(ii) the petitioner shall report before the respondent police as and when required ;

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

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



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

(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/-
24/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SATTUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE OFFICER INCHARGE
DISTRICT MINDERAL FOUNDATION TRUST FUND,
VIRUDHUNAGAR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1 cc to MR.P.KALAIYARASI BHARATHI, Advocate SR.No.35077

ORDER
IN
CRL OP(MD) No.15996 of 2017
Date :24/11/2017

SMA/PM-PN/SAR-4/05.12.2017:2P/7c