



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

Thursday, the Twenty Third day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16089 of 2017

RAJIV

... PETITIONER / 3rd ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.133 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Cr1. Side)

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

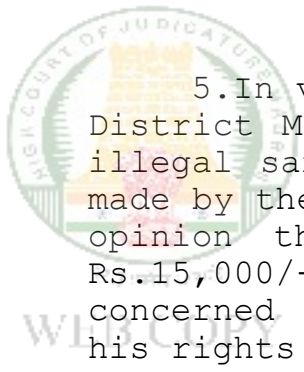
ORDER : The Court Made the following order :-

The petitioner / accused no.3, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C., read with Section 21(1)(iv) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.133 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.11.2017 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.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 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.



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 (Criminal Side), 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, Nanguneri, 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.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 investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (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/-
23/11/2017

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

COPY TO:-

THE DISTRICT MINERAL FOUNDATION TRUST FUND,
TIRUNELVELI

+1. CC to MR.D.VENKATESH Advocate SR.No.35036

JAM/24/11.17/CM/SAR 1/ 3P-7C

ORDER
IN
CRL OP(MD) No.16089 of 2017
Date :23/11/2017