



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

Monday, the Twenty Seventh day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16211 of 2017

1 T.PANNEER SELVAM,

2 G.ILAMURUGAN,

... PETITIONERS/ACCUSED No.1&2

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

MANAPPARAI POLICE STATION,

TRICHIRAPPALLI DISTRICT.

(CRIME NO.695 OF 2017).

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.GOPALAMANIKANDAN Advocate

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

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

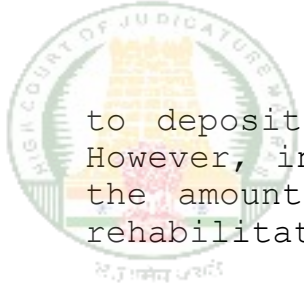
ORDER : The Court Made the following order :-

The petitioners, who arrayed as Accused No.1 & 2, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 379 and 511 of I.P.C., r/w Section 24(1) of Mines & Minerals Act in Crime No.695 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 21.11.2017, while the defacto complainant walk nearby the place of occurrence, the accused persons are illegally transported the sand and stored the same in some other place. Therefore a case has been registered against the petitioners and others for the above said offences.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they did not commit any offences as alleged by prosecution and pray 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 petitioners. 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 petitioners, 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 petitioners 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 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, Manapparai, 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 petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

27/11/2017

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

TO

1 THE JUDICIAL MAGISTRATE,
MANAPPARAI

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, TRICHIRAPPALLI DISTRICT.

4 THE DISTRICT MINERAL FOUNDATION TRUST
TRICHY DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.GOPALAMANIKANDAN Advocate SR.No.35197

ORDER

IN

CRL OP(MD) No.16211 of 2017

Date :27/11/2017

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SH/PM-PN/SAR-1:30.11.2017: 3P/7C