



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.16239 of 2017

MANI @ MANIKILI @ MANIKANDAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.301/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RAJESH KUMAR, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

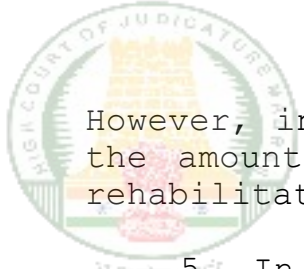
ORDER : The Court Made the following order :-

The petitioner, who arrayed as Accused No.1, apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 of I.P.C., (Sand Theft), in Crime No.301 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police went rounds, the petitioner and others herein alleged to have excavated and transported 1½ units of sand in JCB vehicle bearing Registration No.76 AX 2620 and another vehicle Eicher lorry bearing Registration No.KL 07 AV 9472, without any permit which is worth about Rs.4,500/-. Hence the the case has been registered against the petitioner and others 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 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, Cheranmahadevi, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) 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;

(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/-
27/11/2017

/ TRUE COPY /

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

TO

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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND,
TIRUNELVELI.

+1. CC to M/S.R.RAJESH KUMAR Advocate SR.No.35155

ORDER
IN
CRL OP(MD) No.16239 of 2017
Date :27/11/2017

MS/PM-PN/SAR.1/30.11.2017/3P.7C