



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

Monday, the Twenty Seventh day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16256 of 2017

1 BALASUBRAMANIAN @ SUBBARAJ
2 PARAMASIVAM

... PETITIONER / ACCUSED NO.2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.319 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.S.JEYAKARTHIK Advocate

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

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

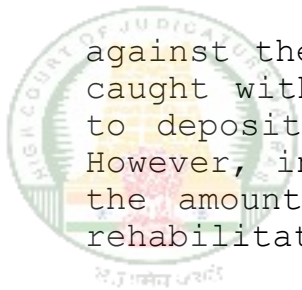
ORDER : The Court Made the following order :-

The petitioners, who arrayed as Accused No.2 & 3, apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 of I.P.C., in Crime No.319 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 22.11.2017, while the defacto complainant was in usual checkup in the place of occurrence, the accused persons are illegally transported the river sand through a tractor bearing Registration No.TN-18, B 0175, without valid licence. On seeing of the defacto complainant, the accused persons 2 and 3 have fled away. Therefore the defacto complainant gave a complaint before the respondent police. Hence, a case has been registered against the petitioners and others for the above said offence.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by prosecution and prays for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/> 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.

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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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Sivagiri, 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) each 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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/ TRUE COPY /

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

TO

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

COPY TO

THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND, TIRUNELVELI.

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.35236

ORDER
IN
CRL OP(MD) No.16256 of 2017
Date :27/11/2017

MKV-PM-PN-SAR 1/30.11.2017/3P-7C