



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

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16391 of 2017

KATHIRVEL

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
APPANAICKKANPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.112/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.SHANMUGASELVAM 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 :-

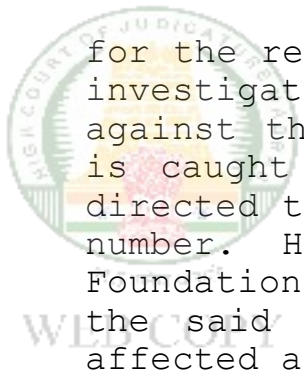
The petitioner, who arrayed as Accused rank not known, apprehends arrest at the hands of the respondent Police for the offence punishable under Section 379 of I.P.C., and 21(1) Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.112 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 20.11.2017 at about 8.10 p.m, while the petitioner along with other unknown 11 persons was trying to transport the river sand illegally from Arjuna River, Veppilaipatti, Kangaianman Kovil Back side through the lorry bearing Regn. No.TN-76-B-4048, the Sub Inspector of Police, Vembakkottai Police Station, Virudhunagar District along with other police officials seized the said lorry. Hence, a case has been registered against the petitioner 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.

<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 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.30,000/- [Rupees Thirty 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 - I, Sattur, on condition that the petitioner 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 petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty 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/-
04/12/2017

/ TRUE COPY /

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I, SATTUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
APPANAICKKANPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1. CC to M/S.N.SHANMUGASELVAM Advocate SR.No.35626

GJM/PM/PN/SAR-3-8.12.2017-3P-7C

ORDER
IN
CRL OP(MD) No.16391 of 2017
Date :04/12/2017