



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

Thursday, the Thirtieth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16471 of 2017

1 DEIVANATHAN @ DEVANATHAN
2 MARIKUMAR

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT,
CR.NO.439 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.S.SENTHIL SANKARANATHA KUMAR Advocate

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

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

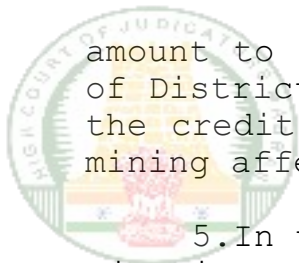
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offence punishable under Sections 379 of IPC and 21(iv) Mines and Mineral (D&R) Act 1957 r/w.36(A) Mines and Mineral Concession Rule 1957, in Crime No.439 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 20.11.2017, when the respondent police conducted a regular vehicle checkup, they found that the petitioners illegally transported river sand through their vehicle, without valid licence. Hence, a case was registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are an innocent persons and they have not committed any offences as alleged by the prosecution. He fairly conceded that the petitioners are ready and willing 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.

4.The learned Government Advocate (Criminal side) appearing for the state submitted that if the person is caught with illegal sand in the mining area, he has to be directed to deposit the conditional



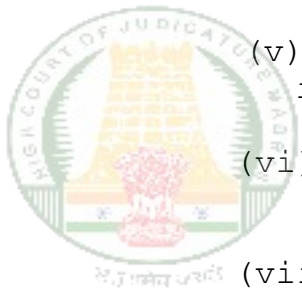
amount to the credit of Crime number. However, in view of formation of District Mineral Foundation Trust, the amount may be deposited to the credit of the said Trust for rehabilitation in the illegal sand mining affected areas.

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 and also considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners are 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 petitioners have deposited the said amount, it would not amount to admission of their 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 learned Judicial Magistrate, Tenkasi, 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 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 petitioners 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 their 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 themselves 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.



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(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/-
30/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
ALANGULAM 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.S.SENTHIL SANKARANATHA KUMAR Advocate SR.No.35618

ORDER
IN
CRL OP(MD) No.16471 of 2017
Date :30/11/2017

MKV-CM-VR-SAR 4/6.12.2017/3P-7C