



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

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17009 of 2017

1 GANESAN @ MELA GANESAN
2 RAJAGOPAL

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT
CR NO. 819/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.JEGADEESH PANDIAN 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 / A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 379 of I.P.C, and r/w 4(1) (1-A) and 21(1) Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.819 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 01.12.2017, the petitioners and other accused illegally transported river sand through vehicle, without valid licence. When the respondent police questioned the same, the petitioners abused the respondent police. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent 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.15,000/- (Rupees Fifteen Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that petitioners have illegally transported a river sand through vehicle and the vehicle was seized by the respondent police. The case was registered against the petitioners.

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.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 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 (Criminal Side), I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

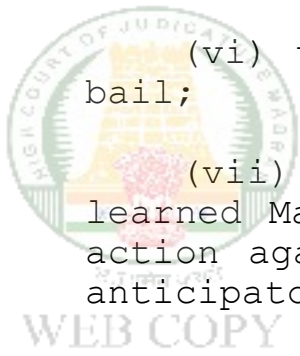
(i) the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to their defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;

(ii) 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 Judicial Magistrate, Rajapalayam, Virudhunagar Distirct;

(iii) the petitioners shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;



(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/-
11/12/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH 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.M.JEGADEESH PANDIAN Advocate SR.No.36063

GJM/PM/PN/SAR-2-13.12.2017-3P-7C

ORDER
IN
CRL OP(MD) No.17009 of 2017
Date :11/12/2017