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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17168 of 2017

P.SALAMON ... PETITIONER/ACCUSED NO.4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KADAYAM POLICE STATION,
AMBASAMUTHIRAM TALUK,
TIRUNELVELI DISTRICT.
CRIME NO.256/2017 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.VIVEKANANDAN Advocate

For Respondent : MR.M.MURUGAN, FOR 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 is arrayed as Accused No.4, apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C., in Crime No.256 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 08.12.2017, the petitioner is said to have illegally transported one unit of river sand worth about Rs.3000/- (Rupees Three Thousand only) through vehicle . Hence, a case has been registered against the petitioner for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent person and they have not committed any offences as alleged by the prosecution and prays for anticipatory bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioner's vehicle along with sand was seized by the respondent police and there is no previous case pending against the petitioner. There are four accused, the other three accused were arrested and remanded to judicial custody on 08.12.2017. He further submitted that if the person is caught with

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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 the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

6.Merely, because the petitioner is 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Amabasamudram, 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/A4 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 petitioners;

(ii) the petitioner/A4 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;

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(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.

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sd/-
13/12/2017

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

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TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
KADAYAM POLICE STATION, AMBASAMUTHIRAM TALUK,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.VIVEKANANDAN Advocate SR.No.36113

GJM/PM/PN/SAR-3-19.12.2017-3P-6C

ORDER
IN
CRL OP(MD) No.17168 of 2017
Date :13/12/2017

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