



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

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PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP (MD) No.17452 of 2017

MADASAMY

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
KOOMAPATTY POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
(CRIME NO. 212/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.VAMANAN, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

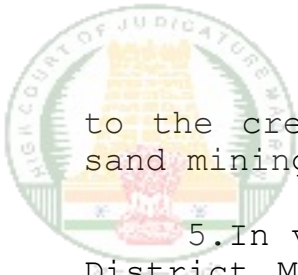
ORDER : The Court Made the following order :-

The petitioner / accused no.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C., r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.212 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.12.2017 the petitioner and other accused person illegally transported river sand through vehicle. When the defacto complainant tried to prevent the same, the petitioner fled away from the scene of occurrence. Hence, a case has been registered against the petitioner and other accused person for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offences as alleged by the prosecution.

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 petitioner, this Court is of the opinion that the petitioner is 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 his 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 (Criminal Side), I am inclined to grant anticipatory bail to the petitioner. 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 learned Judicial Magistrate No.I, Srivilliputhoor, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 petitioner 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 on production of receipt of such deposit, the learned Judicial Magistrate shall accept the two sureties;

(ii) the petitioner shall report before the respondent police as and when required;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(vi) the petitioner shall not abscond either during investigation or trial;

(v) the petitioner shall not commit any offence while on anticipatory bail;

(vi) 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/-  
19/12/2017

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHOOR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,  
KOOMAPATTY 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,  
VIRUDHUNAGAR.

+1. CC to M/S.K.VAMANAN Advocate SR.No.36740

ORDER  
IN  
CRL OP(MD) No.17452 of 2017  
Date :19/12/2017

**MS/VC/SAR.1/22.12.2017/3P.7C**