

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26226 of 2018

1 MANIVANNAN
2 PARASURAMAN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.358 OF 2018

[RESPONDENT]

For Petitioner : M/S.M.KUMARAVEL Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of IPC r/w Section 21(1) of M.M.Act 1957 seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have been arrayed as A1 and A2. A1 is the driver of the vehicle and A2 is the father of A1 have transported 1 unit of the river sand illegally by using a tractor driven in A1. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is 1 unit and the same was recovered. He further submitted that there is no previous case pending 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, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees

fifteen thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioners have 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. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, he is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-II, Mayiladuthurai, Nagapattinam District and on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 of Cr.P.C. Scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

-sd/-
15/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE NO.II
MAYILADUTHURAI, NAGAPATTINAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

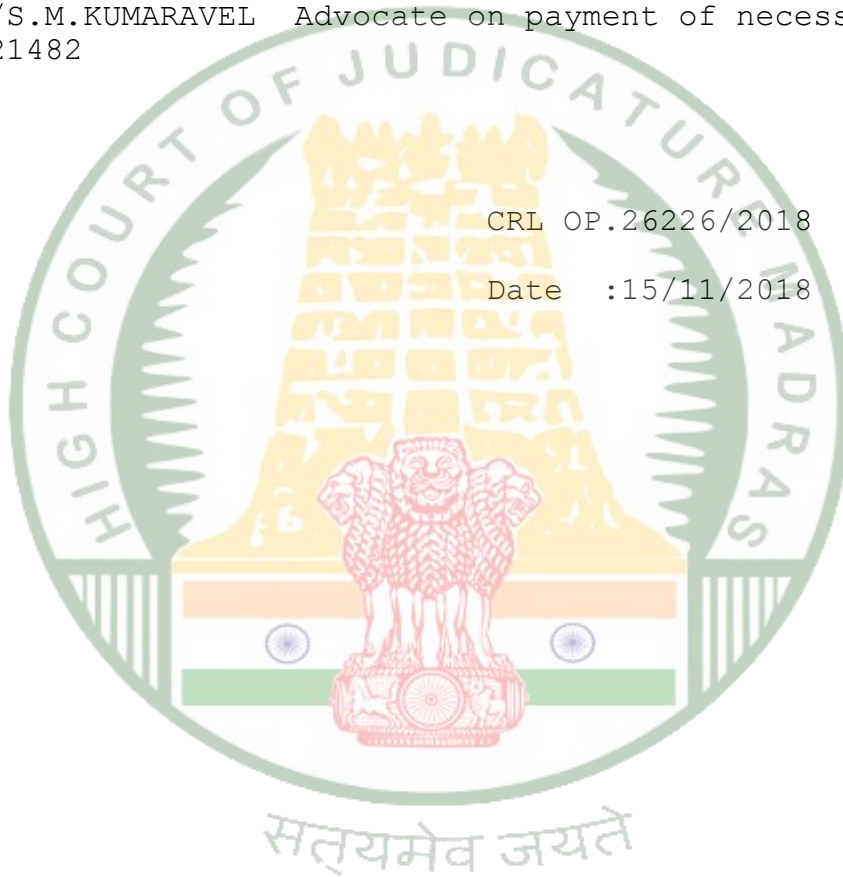
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MANALMEDU POLICE STATION, NAGAPATTINAM
DISTRICT

5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
NAGAPATTINAM

+1CC to M/S.M.KUMARAVEL Advocate on payment of necessary
charges SR.NO.21482

cm 20/11/2018



CRL OP.26226/2018

Date :15/11/2018

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