

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.26281 of 2018

N.KRISHNAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE THROUGH

THE INSPECTOR OF POLICE,
VEDARNIYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.236 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.VENKETESHWAR 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 petitioner, 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 petitioner had transported 5 unit of the river sand illegally by using a lorry bearing registration number TN 36 AT 5279. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is 5 unit and the same was recovered. He further submitted that there is no previous case pending against the petitioner.

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

petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five 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 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. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five 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 Court, Vedarniyam, Nagapattinam District and on his executing a bond for a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and on further condition that the petitioner 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 petitioner shall comply with the conditions stipulated under Section 438 of Cr.P.C. Scrupulously.

8. The petitioner 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

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

TO

1 THE JUDICIAL MAGISTRATE COURT
VEDARNIYAM, NAGAPATTINAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

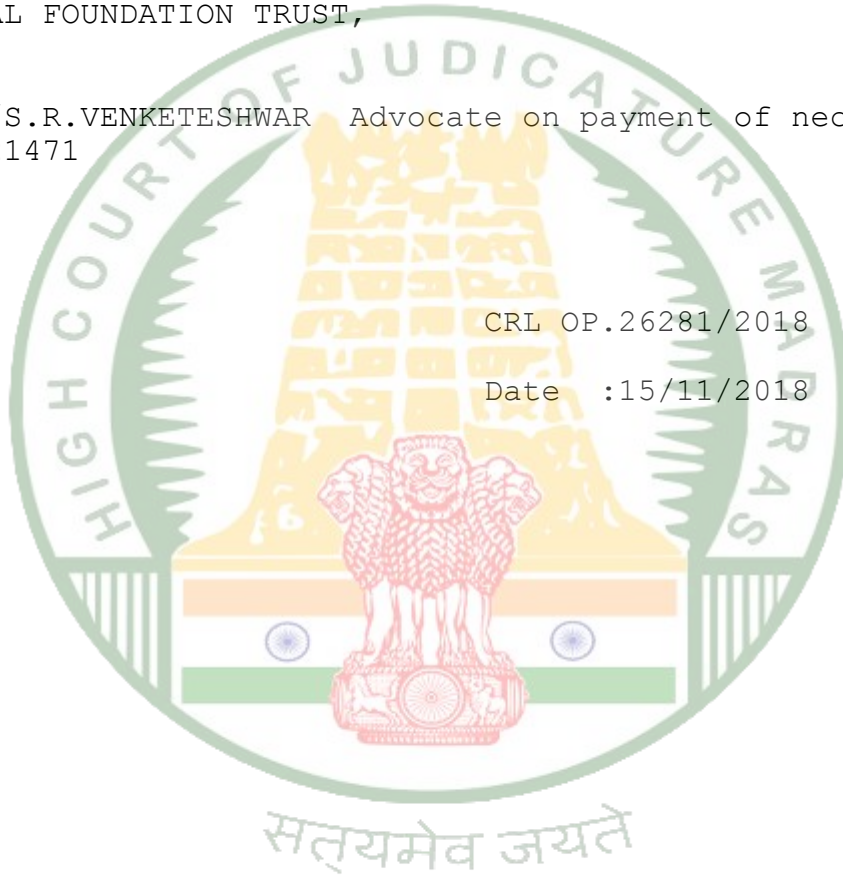
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEDARNIYAM POLICE STATION,
NAGAPATTINAM DISTRICT

5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
NAGAPATTINAM

+1CC to M/S.R.VENKETESHWAR Advocate on payment of necessary
charges SR.NO.21471

cm 20/11/2018



CRL OP.26281/2018

Date :15/11/2018

WEB COPY