

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26498 of 2018

SURENDRAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
NAGAPATTINAM DISTRICT.
(CR.NO.323/2018)

[RESPONDENT]

For Petitioner : M/S.D.GOPI KRISHNAN Advocate

For Respondent : MR. 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, 437 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.323 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his friends were joint together have transported 1 unit of the river sand illegally by using a F/R Tractor with tipper vehicle without obtaining proper documents. Upon receipt of the special report, the case was registered by the respondent police and taking steps to secure the petitioner. 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 1 unit and the same was recovered by the respondent police under form 95. He further submitted that there is one 2previous 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.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 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 petitioner with certain conditions. Accordingly, the petitioner 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, Sirkali, Nagapattinam District and on his executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties 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/-
16/11/2018

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,
SIRKALI, NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.D.GOPI KRISHNAN Advocate on payment of necessary
charges SR.NO.21670

CRL OP.26498/2018

Date :16/11/2018

TA-22/11/2018