

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26628 of 2018

SILAMBARASAN

[PETITIONER / ACCUSED]

Vs

STATE BY ITS

[RESPONDENT]

INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION,
ANAKKAVOOR,
THIRUVANNAMALAI DISTRICT.
CR.NO.622 OF 2018.

For Petitioner : M/S.K.G.SENTHIL KUMAR Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. 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 and 430 of IPC in Crime No.622 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that on 12.11.2018, the petitioner has transported 1/2 unit of the river sand illegally by using Bullock Cart. 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 1/2 unit and the same was recovered by the respondent police under form 95. 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.10,000/- (Rupees Ten 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.10,000/- (Rupees Ten 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, Cheyyar, Thiruvannamalai District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten 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/-

19/11/2018

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR, THIRUVANNAMALAI DISTRICT, ..

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAKKAVOOR POLICE STATION, ANAKKAVOOR,
THIRUVANNAMALAI DISTRICT.

5 THE DISTRICT MINERAL
FOUNDATION TRUST,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.K.G.SENTHIL KUMAR Advocate on payment of necessary
charges`-Sr.21826

CRL OP.26628/2018

Date :19/11/2018

ths : 23.11.2018



WEB COPY