



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

Monday, the Twenty Second day of October Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18556 of 2018

1 VAIRAMUTHU
2 THANGAM

... PETITIONERS / ACCUSED NO.1 AND 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.646/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.J.SENTHIL KUMAR Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. in Crime No.646 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 10.10.2018, when the respondent police was on patrol, the petitioners were transporting one unit sand by using the vehicle Reg.No.TN-76 Z 6226. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Government Advocate (criminal side) appearing for the respondent submitted that the quantity of sand involved is one unit and the same was recovered. He further submitted that there is one previous is pending against the second 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 petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) jointly as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their 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 jointly deposit a sum of Rs.5,000/- (Rupees five thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sankarankovil and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 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/-
22/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION, TIRUNELVELI DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

+1. CC to M/S.J.SENTHIL KUMAR Advocate SR.No.19976
PS/MMS/SAR-1:26/10/2018:2P/7C

ORDER
IN
CRL OP(MD) No.18556 of 2018
Date :22/10/2018