



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

Tuesday, the Eleventh day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.16289 of 2018

NAGARAJ

... PETITIONER / ACCUSED (RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 86 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PITCHAI MUTHU Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379, 353 and 430 IPC, in Crime No.86 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 20.06.2018, when the respondent police was on routine patrolling duty, they found that at Vaigai Riverbed some persons were illegally loaded the sand in 11 tipper lorry for illegal transporting. On seeing the police party, numbers of persons were fled away from the palce of occurrence by leaving the vehicles. Upon search of the vehicles, it is found that 8 lorries were loaded with the sand. Thereafter, the respondents police have seized 11 lorries, car and two wheelers. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case is pending against the petitioner.

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

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, Vadipatti, Madurai District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 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/-
11/09/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE ,
VADIPATTI, MADURAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADUPATTI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.

+1. CC to M/S.M.PITCHAI MUTHU Advocate SR.No.17430
PS/PN/SAR-1:18/09/2018:3P/7C

ORDER
IN
CRL OP (MD) No.16289 of 2018
Date :11/09/2018