



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

Tuesday, the Twenty Third day of October Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.18679 of 2018

1 MATHAN @ MAHALINGAM

2 SUDHARSHAN

... PETITIONERS / ACCUSED NO. 1 & 2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 491 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.K.SIVABALAN 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 :-

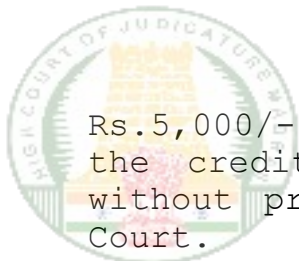
The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C and Section 21(1) of Mines and Minerals (Development & Regulation Act), 1957 in Crime No.491 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported quarter unit of sand. Hence, a case has been registered.

3. Heard the learned counsel appearing for the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is quarter unit and the same was recovered. He would further submit that first petitioner is involved in four previous cases.

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 second petitioner is directed to 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, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the second 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 second petitioner with certain conditions. Accordingly, the second petitioner shall 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, he is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Valliyoor and on his 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 second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8. The second 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.

9. Insofar as the first petitioner is concerned, anticipatory bail application is dismissed.

sd/-
23/10/2018

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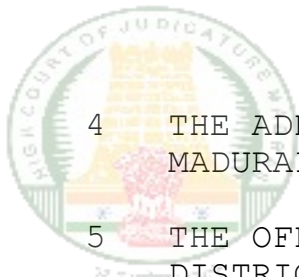
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
VALLIYUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSEPCTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

5 THE OFFICER IN CHARGE
DISTRICT MINERAL FOUNDATION TRUST,
THIRUNELVELI DISTRICT

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+1. CC to MR.K.SIVABALAN Advocate SR.No.20111

ORDER
IN
CRL OP(MD) No.18679 of 2018
Date :23/10/2018

MSI/JC/SAR- /29.10.2018-3P/7C