



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

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.12538 of 2018

1.SUBASH
2.MUTHUKUMAR
3.ARJUN
4.SUNTER@SUNDARA RAJ

... PETITIONERS/ A1 to A4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
Crime NO.237 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.M.VISHNUVARTHANAN Advocate

For Respondent : Mr.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Sections 279, 337, 379 of I.P.C. r/w.21(1) Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.237 of 2018, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) for the respondent.

3.The first petitioner since been arrested and hence, this petition is dismissed as infructuous as far as the first petitioner is concerned.

4.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 2 to 4 are directed to deposit jointly a sum of Rs.7,500/- (Rupees seven thousand five hundred only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.



5. Merely, because the petitioners 2 to 4 have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Subject to this condition, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Nanguneri and on their 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 2 to 4 shall appear before the respondent police as and when required for interrogation. The petitioners 2 to 4 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 2 to 4 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/-
23/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE ADDITIONAL GOVERNMENT PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.P.M.VISHNUVARTHANAN Advocate SR.No.13781

ORDER
IN
CRL OP(MD) No.12538 of 2018
Date : 23/07/2018