



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

Wednesday, the Twenty Fourth day of October Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.18846 of 2018

1 KUMARESAN
2 MUTHUKANNU

... PETITIONERS / ACCUSED No. 1 & 2

Vs

THE STATE THROUGH
THE SUB INSPECTOR OF POLICE
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT
(IN CR NO.80 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.GANAPATHI SUBRAMANIAN Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

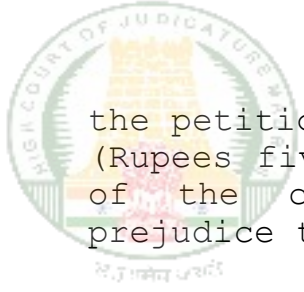
The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C and r/w.21(1)(2) of Mines and Minerals Act, in Crime No.80 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 20.10.2018, the petitioners had illegally transported the river sand without valid permission. 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 would further submit that the petitioners are having no previous case.

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 jointly 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 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 their 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 deposit jointly 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, Thirumayam 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 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.

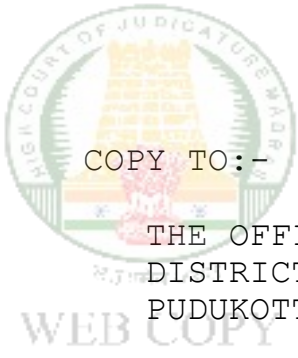
sd/-
24/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
THIRUMAYAM, PUDUKOTTAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI
- 3 THE SUB INSPECTOR OF POLICE
KARAIYUR POLICE STATION, PUDUKKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADRAS HIGH COURT, MADURAI



COPY TO:-

THE OFFICER IN CHARGE
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKOTTAI DISTRICT.

+1. CC to MR.P.GANAPATHI SUBRAMANIAN Advocate SR.No.20208

ORDER

IN

CRL OP (MD) No.18846 of 2018

Date :24/10/2018

MSI/JC/SAR-IV/30.10.2018-3P/7C