



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

Wednesday, the Twenty Fourth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.18847 of 2018

1 ARUMUGAM

2 THANGAMUTHU

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PULIYAMPATTI POLICE STATION,
THOOTHUKUDI DISTRICT
IN CRIME NO.63 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.PRABU, Advocate

For Respondent : MRS.ANANTHA DEVI, Government 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.63 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 15.10.2018, when the respondent police was on patrol, the petitioners were transporting one unit sand by using the vehicle Reg.No.TN-72 AJ 1249 without any permit or license. 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 are 18 previous cases pending as against the 1st petitioner and one previous case as against the second petitioner.

5.Considering the fact that the first petitioner is having 18 previous cases, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed as against the first petitioner is concerned.



6. Insofar as the second petitioner is concerned, since he is having one previous case, 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) jointly 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.

7. 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.

8. 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 No.1, Kovilpatti, 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.

9. 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.

sd/-
24/10/2018

/ TRUE COPY /

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

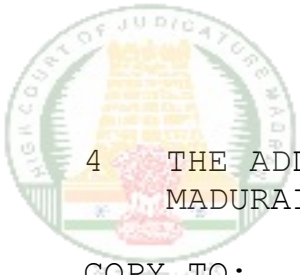
TO

1 THE JUDICIAL MAGISTRATE NO.1, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI

3 THE INSPECTOR OF POLICE

<https://hcservices.courts.gov.in/hcservices/>
POLLAMPATTI POLICE STATION, THOOTHUKUDI DISTRICT



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

COPY TO: THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, THOOTHUKUDI

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+1. CC to MR.M.PRABU, Advocate SR.No.20106

ORDER

IN

CRL OP(MD) No.18847 of 2018

Date :24/10/2018

PK/RR/SAR-1/26.10.2018 : 3P/7C