



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of October Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) Nos.18886, 18896 and 18897 of 2018

1 SRIRANGAN
2 DAVID
3 MALAICHAMY @ THIRUMALAICHAMY

... PETITIONERS / ACCUSED NO.7 TO 9
IN CRL OP(MD) No.18886 of 2018

1 SRIRANGAN
2 MALAICHAMY @ THIRUMALAICHAMY
3 DAVID

... PETITIONERS / ACCUSED NO.3 TO 5
IN CRL OP(MD) Nos.18896 and 18897 of 2018

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NAVALPATTU POLICE STATION,
TRICHY DISTRICT.

... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONS

IN CR NO. 156 OF 2018

... IN CRL OP(MD) No.18886 of 2018

IN CR NO. 155 OF 2018

... IN CRL OP(MD) No.18896 of 2018

IN CR NO. 154 OF 2018

... IN CRL OP(MD) No.18897 of 2018

For Petitioners : M/S.K.PRAVEENKUMAR, Advocate
IN ALL THE PETITIONS

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)
IN ALL THE PETITIONS

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 Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957, in Crime Nos.154, 155 and 156 of 2018, respectively, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported the river sand by using Tipper Lorry. 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 3 units 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.15,000/- (Rupees fifteen 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.15,000/-(Rupees fifteen 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 Court No.III, Trichy and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two common 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.

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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.III
TRICHY.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE,
NAVALPATTU POLICE STATION, TRICHY DISTRICT.

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

+3. CC to M/S.K.PRAVEENKUMAR Advocate SR.No.20159 TO 20161

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

ORDER
IN
CRL OP(MD) Nos.18886, 18896
and 18897 of 2018
Date :24/10/2018

JM/PN/SAR 2/24.10.2018/3P/9C