



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

Thursday, the Twenty Fifth day of October Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) Nos.18924 and 19003 of 2018

1 KAMAL @ KAMALRAJ
2 MUTHU @ MUTHUSAMY
3 NAGARAJ

... PETITIONERS/ ACCUSED No.3 to 5
IN CRL OP(MD) No.18924

SENTHILKUMAR

... PETITIONER/ ACCUSED No.9
IN CRL OP(MD) No.19003

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION,
TRICHY DISTRICT
IN CR NO.158 OF 2018

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : MR.P.GANAPATHI SUBRAMANIAN Advocate
IN BOTH THE PETITIONS

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

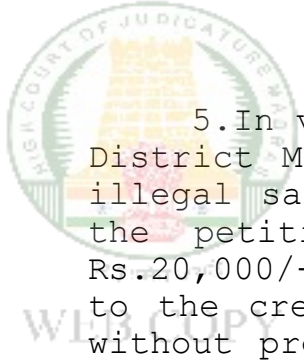
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 I.P.C r/w Section 321(4) of Mines and Minerals Act, in Crime No.158 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had excavated the sand and transported the same through their vehicles, illegally. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is pending.



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.20,000/- (Rupees twenty 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 jointly pay a sum of Rs.20,000/- (Rupees twenty 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 No.IV, Trichy 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/-
25/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO IV
TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

<https://hcservices.courts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION, TRICHY DISTRICT



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

COPY TO:- THE OFFICER IN CHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY

WEB COPY

+2. CC to MR.P.GANAPATHI SUBRAMANIAN Advocate SR.Nos.20331 & 20332

ORDER
IN
CRL OP (MD) Nos.18924 and
19003 of 2018
Date :25/10/2018

MSI/JC/SAR-IV/01.11.2018-3P/8C