



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

Tuesday, the Twenty Sixth day of June Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.10461 of 2018

SAMIDURAI,

... PETITIONER / ACCUSED NO.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION, RADHAPURAM TALUK,
TIRUNELVELI DISTRICT.
(CR.NO.48/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.GOKUL 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 :-

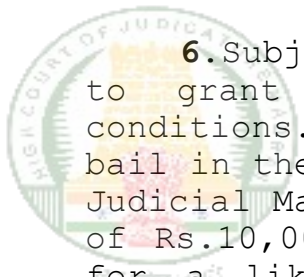
The petitioner apprehends arrest at the hands of the respondent Police for the offences under Section 379 of I.P.C. r/w 21 (1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.48 of 2018 and seeks anticipatory bail.

2.Heard the learned counsel appearing for the petitioner.

3.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioner is having four previous cases, which is also similar in nature.

4.In view of the rehabilitation undertaken under the Tamil Nadu Mineral Foundation Rules, 2017 and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

5.Merely, because the 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.



6. Subject to this aforesaid condition, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Valliyoor and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The 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/-
26/06/2018

/ TRUE COPY /

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

TSG
TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
PALAVOOR POLICE STATION, RADHAPURAM TALUK,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1. CC to M/S.K.GOKUL Advocate SR.No.11467

GJM/CM/VR/RNB/29.6.18-2P-7C

ORDER
IN
CRL OP(MD) No.10461 of 2018
Date :26/06/2018