



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

Thursday, the Twenty Fifth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP (MD) No.18975 of 2018

1 MAHESH
2 RAMESH
3 ROBIN @ PONROBIN

... PETITIONERS / ACCUSED 2 TO 4

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
KALAKKAD POLICE STATION,
TIRUNELVEI DISTRICT.
(CRIME.NO.330/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR Advocate

For Respondent : Mr.ASOKAN Govt. Advocate (Crl. Side)

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 Sections 379 I.P.C. and r/w Section 3(1) of the TNPPDL Act, 1992, in Crime No.330 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had transported the sand illegally without valid permission. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the quantity of sand involved is half unit and the same was recovered. He further submitted that the first petitioner is having seven previous cases and the third petitioner is having three previous cases and there is no previous is pending against the second petitioner.

5.Considering the previous antecedents of the first and third petitioners, this Court is not inclined to grant anticipatory bail to the first and third petitioners. Accordingly, this criminal



original petition is dismissed as far as the first and third petitioners are concerned.

6. 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) 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, Nanguneri 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 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/-
25/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



3 THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT.

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

5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.20276

PS/RR/SAR-4:26/10/2018:3P/7C

ORDER

IN

CRL OP (MD) No.18975 of 2018

Date :25/10/2018