



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

Tuesday, the Third day of July Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP (MD) No.10991 of 2018

MURUGAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
BODINAICKANOOR RURAL POLICE STATION,  
THENI DISTRICT ,  
IN CRIME NO. 428 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.G.KARUPPASAMY PANDIAN, 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 :-

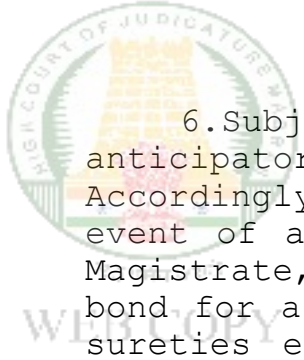
The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. r/w 21(1) of Mines and Minerals Act, in Crime No.428 of 2018, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner.

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

4.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 petitioner is directed to deposit a sum of Rs.5000/- (Rupees five 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 condition, this Court is inclined to grant anticipatory bail to the petitioner with certain other 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, Bodinaickanoor, Theni District and on their 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/-  
03/07/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
BODINAICKANOOR, THENI DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE  
BODINAICKANOOR RURAL POLICE STATION,  
THENI DISTRICT ,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

+1. CC to Mr.A.K.AZAGARSAMI Advocate SR.No.11913

TM

JAM/06/07/2018/ JC/GSR / 2P-6C

ORDER  
IN  
CRL OP (MD) No.10991 of 2018  
Date :03/07/2018