



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

Monday, the Twenty Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.19233 of 2018

1 RAMARAJ
2 PANDI

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
KOOMAPATTI POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.215 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.KARTHICK SUBRAMANIAN Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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 294(b), 323, 353, 506(i), 379 I.P.C and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.215 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused had illegally transported the river sand. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is one unit and the same was recovered. He further submitted that there are five previous cases pending against the first petitioner and no previous case is pending against the second petitioner.

5.Considering the previous antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail. Therefore, this Criminal Original Petition is dismissed as far as the first



petitioner is 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 pay 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 pay 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 No.I, Srivilliputhur 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/-
29/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SEIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hoservices/>
ROOMAIIII POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.



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

COPY TO

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.KARTHICK SUBRAMANIAN Advocate SR.No.20613

PS/PN/SAR-1/08/11/2018/2P/7C

ORDER

IN

CRL OP (MD) No.19233 of 2018

Date :29/10/2018