



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.22916 of 2018

JOTHI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
DEVAKOTTAI TALUK POLICE STATION,  
SIVAGANGAI DISTRICT.  
(IN CRIME NO. 268 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.SANJAY Advocate

For Respondent : Mr.R.ANANDHARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 registered in Crime No.268 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 25.12.2018, during vehicle check up by the respondent police at Kannangudi, Sivagangai District, they found that the petitioner unlawfully quarried the river sand and transported the same through a tipper lorry bearing Registration Number. TN 21 H 3532 without any valid permission.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

4.According to the petitioner, he has not committed any offence as alleged by the prosecution and for statistical purpose, a false case has been registered against him.

5.The learned Additional Public Prosecutor opposed the grant of anticipatory bail by stating that the petitioner illegally transported two units sand.



6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioners will make payment of Rs.30,000/- to show his bonafide.

7. Considering the facts and circumstances of the case and also taking into consideration of the fact that the case is relates to theft of sand, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Devakottai;

(ii) the petitioner shall make a non refundable deposit of Rs.30,000/- (Rupees thirty thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner. It is made clear that the bonafide offer made by the petitioner to deposit the amount would not amount to admitting the guilt;

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall surrender before the concerned Court within 15 days, failing which, the petition for anticipatory bail shall stand dismissed;

sd/-  
27/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,  
DEVAKOTTAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE  
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT MADURAI.



THE CHAIRMAN/DISTRICT COLLECTOR,  
DISTRICT MINERAL FOUNDATION TURST,  
SIVAGANGAI DISTRICT.

+1. CC to Mr.S.M.SANJAY Advocate SR.No.24187

PS/JC/SAR-3/07.01.2019/3P/7C

ORDER

IN

CRL OP (MD) No.22916 of 2018

Date :27/12/2018