



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

Friday, the Fourteenth day of September Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.16497 of 2018

JOTHIRAJ @ JOTHI

... PETITIONER / ACCUSED NO.4

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO 26 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.R.A.RAMACHANDHARAN 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 petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C.(sand theft) in Crime No.26 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was in vehicle check up, the accused persons have transported $\frac{1}{4}$ unit of river sand, by using a bullock cart. On seeing the police party, the accused persons ran away from the scene of occurrence. Hence, a case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the respondent police. He further submitted that other accused persons were released on bail by the Trial Court. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is $\frac{1}{4}$ unit and the same was recovered.



illegal sand mining activities, this Court is of the opinion that the 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.

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6. 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.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the 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, Cheranmahadevi 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.

8. 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/-

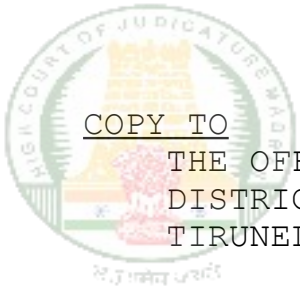
14/09/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
MUKKUDAL POLICE STATION,
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.S.R.A.RAMACHANDHARAN Advocate SR.No.17561
PS/JC/SAR-4:20/09/2018:3P/7C

ORDER

IN

CRL OP (MD) No.16497 of 2018

Date :14/09/2018