



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

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

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

**CRL OP(MD) No.12272 of 2018**

1 K.SIVAKUMAR  
2 PITCHAIKANI  
3 GURUSAMY

... PETITIONERS/ACCUSED

Vs

STATE REP.BY,  
THE INSPECTOR OF POLICE,  
SATTUR TALUK POLICE STATION,  
SATTUR, VIRUDHUNAGAR DISTRICT.  
IN CRIME NO.166/2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.P.SARAVANAKUMAR, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners 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.166 of 2018, seek anticipatory bail.

2.Heard the learned counsel for the petitioners.

3.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the second petitioner is having two more 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 second petitioner can be 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 **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.

6. Subject to this condition, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No. II, Sattur, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-  
19/07/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO. II,  
SATTUR, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE,  
SATTUR TALUK POLICE STATION, SATTUR,  
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.P.SARAVANAKUMAR Advocate SR.No.13429

ORDER  
IN  
CRL OP(MD) No.12272 of 2018  
Date :19/07/2018