



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

Tuesday, the Twenty Fifth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17081 of 2018

VELMURUGAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.100/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mrs.S.JANAKI 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, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 I.P.C, Section 3(1) of TNPPDL Act and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.100 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has transported the sand illegally without valid permission. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is four unit and the same was recovered.

5.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.20,000/- (Rupees twenty 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.

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.20,000/- (Rupees twenty 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, Vilathikulam 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 District Munsif Cum Judicial Magistrate, Manamadurai 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/-
25/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
VILATHIKULAM.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
MANAMADURAI.
4. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
5. THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, SIVAGANGAI DISTRICT



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

COPY TO:

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

+1. CC to MR.C.SENTHIL MURUGAN, Advocate SR.No.18221

ORDER

IN

CRL OP (MD) No.17081 of 2018

Date :25/09/2018

AE/RR/SAR1/01.10.2018/3P/9C