



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

Thursday, the Ninth day of August Two Thousand Eighteen
PRESENT

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

CRL OP(MD) No.14105 of 2018

WEB COPY

1.ARUMUGAM
2.ESAKKI MUTHU

... PETITIONERS/ACCUSED 1 & 2

Vs

THE STATE BY
THE INSPECTOR OF POLICE
MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT
CR NO.118 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.V.NEELAKANDAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. read with 21(1)(iv) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.118 of 2018, seek anticipatory bail.

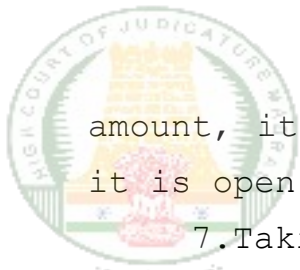
2.The case of the prosecution is that on 02.08.2018, the petitioners have transported the river sand illegally by using lorry bearing Reg.No.TN-72-AW-6235. Hence, a case has been registered.

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 1/2 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 petitioners are jointly 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 their rights and contentions before the trial Court.

6.Merely, because the petitioners have deposited the said



amount, it would not amount to admission of their 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 petitioners with certain conditions. Accordingly, the petitioners shall jointly 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, they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Nanguneri and on their 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 petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8. 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/-
09/08/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI
 - 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE OFFICER INCHARGE, DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI
 - 4 THE INSPECTOR OF POLICE, MOOLAKARAIPATTI POLICE STATION,
TIRUNELVELI DISTRICT
 - 5 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.VENKATESH Advocate SR.No.15285

ORDER
IN
CRL OP(MD) No.14105 of 2018
Date : 09/08/2018