



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

Friday, the Tenth day of August Two Thousand Eighteen
PRESENT

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

CRL OP(MD) No.14182 of 2018

1 MARIAPPAN
2 ESAKKIPANDIAN

... PETITIONERS / ACCUSED Nos.3&4

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.98 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.ESAKKI PANDI Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. in Crime No.98 of 2018, seek anticipatory bail.

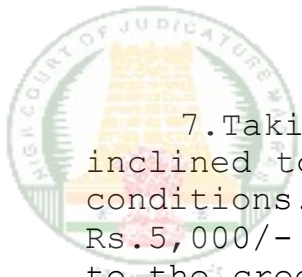
2.The case of the prosecution is that on 29.07.2018, the petitioners and other accused had illegally transported the river sand by using 407 Vehicle. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that totally there are four accused in this case. The petitioners are arrayed as A3 and A4. He further submitted that the first petitioner is having two previous cases and there is no previous case is pending against the second petitioner.

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 directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) **each** 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 deposit a sum of Rs.5,000/- (Rupees five thousand only) **each** 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, Srivaikundam, Thoothukudi District 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 first petitioner 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/-
10/08/2018

/ TRUE COPY /

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

MSA
TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE DISTRICT MINERAL FOUNDATION TRUST,
THOOTHUKUDI.

+1. CC to M/S.S.ESAKKI PANDI Advocate SR.No.15306
PS/MMS/SAR-4:16/08/2018:2P/7C

ORDER
IN
CRL OP(MD) No.14182 of 2018
Date :10/08/2018