



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

Tuesday, the Fourteenth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.14204 of 2018

1 JOTHIKUMAR

2 M.DINESH

... PETITIONERS/ACCUSED No.1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
THANJAVUR,
THANJAVUR DISTRICT.
CR NO.260 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.SHANMUGANATHAN, 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 petitioners/A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. and Sections 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.260 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 06.03.2017, the petitioners have transported sand illegally by using TATA Bens Lorry bearing registration No.TN 67 L 8093. 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 1-1/2 units and the same was recovered. He further submitted that there is one previous is pending against the first petitioner and there are three previous cases 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 first petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten 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 first 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 first petitioner alone with certain conditions. Accordingly, the first petitioner shall deposit a sum of Rs.10,000/- (Rupees ten 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 No.1, Thanjavur 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 first petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8. The first 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.

9. Since the second petitioner is having three previous cases, this Court is not inclined to grant anticipatory bail to the second petitioner and accordingly, the petition in respect of second petitioner concerned is dismissed.

sd/-

14/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM



3 THE INSPECTOR OF POLICE
TOWN EAST POLICE STATION, THANJAVUR.

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

COPY TO : THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, THANJAVUR.

+1. CC to MR.P.SHANMUGANATHAN, Advocate SR.No.15668

ORDER

IN

CRL OP (MD) No.14204 of 2018

Date :14/08/2018

PK/VR/SAR-1/21.08.2018 : 3P/7C