



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

Monday, the Thirteenth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.14311 of 2018

1.SIVAPRAKASH
2.KANDASAMY

... PETITIONERS/ ACCUSED
No.1 & 2

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT.
Crime No.359 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.G.KANDHA VADIVELAN 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 :-

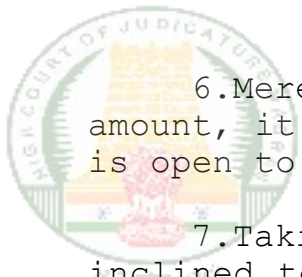
The petitioners/A1 and 2 apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. read with 21(1) Mines and Minerals Act, 1957, in crime No.359 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 18.07.2018, the petitioners have transported sand illegally by using a lorry bearing registration No.TN 37 BS 9832 from Cauvery river and 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 sand has been recovered along with the vehicle.

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.15,000/- (Rupees fifteen 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 petitioners have 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 petitioners with certain conditions. Accordingly, the petitioners shall deposit a sum of Rs.15,000/- (Rupees fifteen 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 No.2, Kulithalai and on each of them 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/-

13/08/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO II, KULITHALAI.

2. THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3. THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT.

4. THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, KARUR DISTRICT.

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

+1. CC to Mr. G. KANDHA VADIVELAN Advocate SR.No.15509

ORDER

IN

CRL OP(MD) No.14311 of 2018

Date : 13/08/2018