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

Thursday, the Sixteenth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.14571 of 2018

VENKATESAN ... PETITIONER/SOLE ACCUSED

Vs

STATE BY,
THE SUB INSPECTOR OF POLICE
KARAIYUR POLICE STATION,
THIRUMAIYAN TALUK,
PUDUKKOTTAI DISTRICT.
IN CRIME NO. 63 OF 2018 ... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.GANAPATHI SUBRAMANIAN, 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 apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w 21 (1) and 21(2) of Tamil Nadu of Mines and Minerals Development and Regulation Act, 1957, in Crime No.63 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 10.08.2018, the petitioner has transported the river sand illegally by using lorry bearing Registration No.TN 29 AH 4299. 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 was recovered. He further submitted that there is no previous case against the 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

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the 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 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.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, Thirumaiyam 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 daily at 10.30 a.m. for a period of two weeks and thereafter, 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/-
16/08/2018

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

TO

1 THE JUDICIAL MAGISTRATE,THIRUMAYAM, PUDUKKOTTAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT

3 THE SUB INSPECTOR OF POLICE
KARAIYUR POLICE STATION,
THIRUMAIYAN TALUK, PUDUKKOTTAI DISTRICT.

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

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COPY TO : THE OFFICER-IN-CHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
PUDUKKOTTAI DISTRICT

+1. CC to MR.P.GANAPATHI SUBRAMANIAN, Advocate SR.No.15707

ORDER
IN
CRL OP(MD) No.14571 of 2018
Date :16/08/2018

PK/JC/SAR-4/23.08.2018 : 3P/7C

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