



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.14476 of 2018

1 DURAISAMY
2 NATARAJAN

... PETITIONERS / ACCUSED RANK 1 AND 2

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT,
CR NO.262/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.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 :-

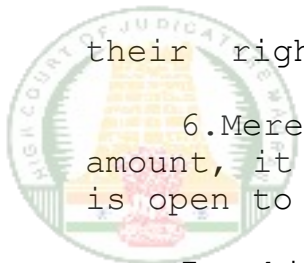
The petitioners/A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. and Sections 21(1)(A) & (B) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.262 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 10.08.2018, the petitioners transported the sand illegally by using the Tipper lorry bearing registration No.TN 47 W 8250. 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 2 units and the same was recovered. He further submitted that there is no previous is pending against petitioners.

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 each of the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) (totally Rs.10,000/- (Rupees ten 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 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.5,000/- (Rupees five thousand only) each (totally 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, they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Keeranur 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 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/-
14/08/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KEERANUR.
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
- 3 THE SUB INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:- THE OFFICERS INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST, PUDUKOTTAI.

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.15699

ORDER
IN
CRL OP(MD) No.14476 of 2018
Date : 14/08/2018