



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.14338 of 2018

KANTHAIAH

... PETITIONER / ACCUSED NO.1

Vs

THE SUB INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO. 177 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.BALASUBRAMANIAN, 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/A1 apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No.177 of 2018, seeks anticipatory bail.

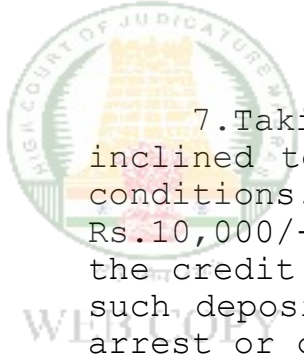
2.The case of the prosecution is that on 31.05.2018, the petitioner along with other accused has involved in theft of sand and they transported sand illegally by using 407 Tempo bearing registration No.TN 74 A 3063, which was loaded one unit sand worth about Rs.2,000/-. Hence, a case has been registered.

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 involved is 1 unit and the same was recovered. He further submitted that there are two previous cases pending 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 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, Nanguneri 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/-
13/08/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE SUB INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
5. THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI.

+1. CC to M/S.P.BALASUBRAMANIAN Advocate SR.No.15486.

ORDER
IN

CRL OP(MD) No.14338 of 2018
Date :13/08/2018