



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

Wednesday, the Thirty First day of October Two Thousand Eighteen

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PRESENT

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

**CRL OP(MD) No.19526 of 2018**

ARUMUGAM

... PETITIONER/ ACCUSED No. 1

Vs

STATE REPRESENTED BY,  
THE INSPECTOR OF POLICE  
PULIYAMPATTI POLICE STATION,  
THOOTHUKUDI DISTRICT.  
(CRIME NO. 63 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MUTHUMANICKAM Advocate

For Respondent : MRS.M.ANANTHA DEVI, Govt. Advocate ( Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C. in Crime No.63 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 15.10.2018 during the rounds, the respondent police found that the petitioner has illegally transported 1 unit sand with the help of 407 vehicle bearing Reg.No.TN 72 AJ 1249 without any permit and licence. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Government Advocate (criminal side) appearing for the respondent submitted that the quantity of sand involved is one unit and the same was recovered.

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.5,000/- (Rupees



five 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.5,000/- (Rupees five 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, Kovilpatti 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 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/-  
31/10/2018

/ TRUE COPY /

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

Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO I, KOVILPATTI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE  
PULIYAMPATTI POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI



COPY TO:-

THE OFFICER IN CHARGE  
DISTRICT MINERAL FOUNDATION TRUST,  
THOOTHUKUDI DISTRICT

+1. CC to MR.A.MUTHUMANICKAM Advocate SR.No.20802

WEB COPY

ORDER

IN

CRL OP(MD) No.19526 of 2018

Date :31/10/2018

MSI/JC/SAR-II/02.11.2018-3P/7C