



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

Thursday, the Sixteenth day of August Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.14573 of 2018

1 N.RAJA

2 SHARJAKAN

... PETITIONERS / ACCUSED RANK NOS.1&2

Vs

STATE BY

THE SUB INSPECTOR OF POLICE

KARAIYUR POLICE STATION, THIRUMAIYAM TALUK,

PUDUKKOTTAI DISTRICT.

CRIME NO.62/2018

... 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 petitioners/A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC., r/w 21(1) and 21(2) of Tamil Nadu of Mines and Minerals Development and Regulation Act, 1957 in Crime No.62 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 10.08.2018, the petitioners have transported the sand illegally by using lorry bearing Registration No.TN 30 S 3744. 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 was recovered. He further submitted that there is no previous case against the 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 the petitioners are jointly 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 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 their 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 jointly 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, they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumaiyam and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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/-

16/08/2018

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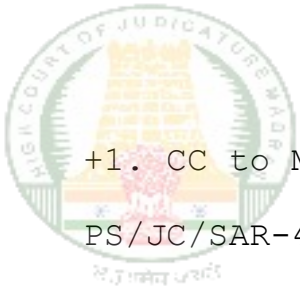
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMAIYAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, PADUKKOTTAI.
- 3 THE SUB INSPECTOR OF POLICE
KARAIYUR POLICE STATION, THIRUMAIYAM TALUK,
PADUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

- 5 THE DISTRICT MINERAL FOUNDATION TRUST,
PADUKKOTAI DISTRICT.



+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.15704

PS/JC/SAR-4:23/08/2018:3P/7C

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ORDER

IN

CRL OP (MD) No.14573 of 2018

Date :16/08/2018