



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

Monday, the Twentieth day of August Two Thousand Eighteen
PRESENT

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

CRL OP(MD) No.14644 of 2018

1 MANIKANDAN
2 MURUGAN
3 KALIAPPAN

... PETITIONERS/ ACCUSED NOS.1 TO 3
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.259 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.J.SENTHIL KUMAR, Advocate
For Respondent : Mrs.M.ANANTH DEVI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. in Crime No.259 of 2018, seek anticipatory bail.

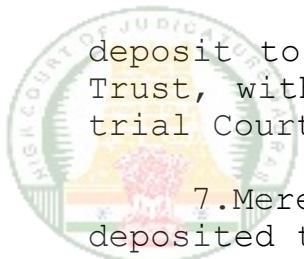
2.The case of the prosecution is that the petitioners and other accused had illegally transported the river sand without valid permission. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the quantity of sand involved is ½ unit and the same was recovered. She further submits that the first accused is having four previous cases. The second accused is having two previous cases and there is no previous case is pending against the third accused.

5.Taking note of the fact that the first accused is having four previous cases, this Court is not inclined to grant anticipatory bail to the first accused. Accordingly, this Criminal Original Petition is dismissed as far as the first petitioner/A1 is concerned.

6.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 2 and 3/A2 and A3 are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) each 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.

7. Merely, because the petitioners 2 and 3/A2 and A3 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.

8. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3/A2 and A3 with certain conditions. Accordingly, the petitioners 2 and 3/A2 and A3 shall deposit a sum of Rs.5,000/- (Rupees five thousand only) each 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, Sankarankoil 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 2 and 3/A2 and A3 shall appear before the respondent police as and when required for interrogation. The petitioners 2 and 3/A2 and A3 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners 2 and 3/A2 and A3 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/-
20/08/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SANKARANKOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, TIRUNELVELI.

+1. CC to MR.J.SENTHIL KUMAR Advocate SR.No.15813

ORDER IN

CRL OP(MD) No.14644 of 2018

Date :20/08/2018