



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

Thursday, the Twenty Third day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.14812 of 2018

1 NAGENDRAN
2 MAHALINGAM

... PETITIONERS / ACCUSED A5 & A6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMNAD DISTRICT.
(CRIME NO.123/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.RAMESHKUMAR, 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 :-

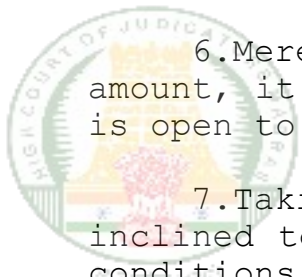
The petitioners apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC r/w. 21(4) of Mines and Minerals Act, in Crime No.123 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 19.08.2018, the petitioners have transported one unit of sand illegally without valid permission. 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 one unit and the same was recovered. He further submitted that there is no previous case pending 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 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.



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.

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Accordingly, a) the petitioners 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

b) On such deposit the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Thiruvadanai 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

c) 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.

d) The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

23/08/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION, RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM.

+1. CC to Mr.D.RAMESHKUMAR Advocate SR.No.16003

ORDER IN

CRL OP(MD) No.14812 of 2018

Date :23/08/2018