



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.14832 of 2018

1.YESURAJA
2.SWAMINATHAN

... PETITIONERS / ACCUSED No.3
RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
SRIVAIAKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
Crime No.86/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P.MIUTHUPANDI 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 :-

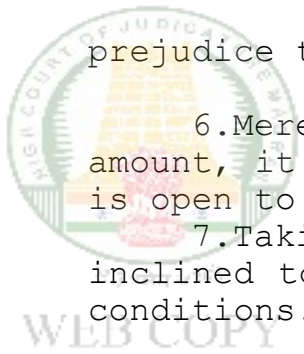
The petitioners apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 379 and 506(ii) of IPC and Section 3 of TNPPDL Act, in Crime No.86 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 04.04.2018, the petitioners have transported half 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 half 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.

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 his arrest or on his appearance before the learned Judicial Magistrate, Srivaikundam, Tuticorin District 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
SRIVAIKUNDAM, TUTICORIN DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE SUB INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT

4. THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TUTICORIN DISTRICT.



5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. P. MIUTHUPANDI Advocate SR.No.14832

WEB COPY

ORDER

IN

CRL OP (MD) No.14832 of 2018

Date : 23/08/2018

TK/PN/SAR.2/27.08.2018/3P-7C