



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22866 of 2018

1.KRISHNAMOORTHY

2 SARAVANAN

... PETITIONERS / ACCUSED No.1 & 2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VAATTHALAI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.228/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.SIVABALAN Advocate

For Respondent : Mr.R.ANANDHARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC r/w. Section 21(4) of Mines and Minerals Act, registered in Crime No.228 of 2018, seek anticipatory bail.

2.The case of the prosecution is that during vehicle check up by the respondent police, they found that the petitioners unlawfully transported the river sand without any valid permission.

3.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

4.According to the petitioner, he has not committed any offence as alleged by the prosecution and for statistical purpose, a false case has been registered against him.

5.The learned Additional Public Prosecutor opposed the grant of anticipatory bail by stating that the petitioners illegally transported quarter unit of river sand.



6. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners will make payment of Rs.7,500/- to show their bonafide.

7. Considering the facts and circumstances of the case and also taking into consideration of the fact that the case is relates to theft of sand, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Musiri, Trichy District;

(ii) the petitioners shall make a non refundable deposit of Rs.7,500/- (Rupees seven thousand and five hundred only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioners. It is made clear that the bonafide offer made by the petitioners to deposit the amount would not amount to admitting the guilt;

(iii) the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall surrender before the concerned Court within 15 days, failing which, the petition for anticipatory bail shall stand dismissed;

sd/-
27/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHY DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
VAATTHALAI POLICE STATION,

<https://hcservices.ecourts.gov.in/hcservices/>
TRICHY DISTRICT.



4. THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

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

+1. CC to Mr.K.SIVABALAN Advocate SR.No.24129

ORDER
IN
CRL OP(MD) No.22866 of 2018
Date :27/12/2018

TK/VR/SAR-3/04.01.2019/3P/7C