



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.22900 of 2018

DURAIRAJ

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.

(CRIME .NO.632 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.ARUN Advocate

For Respondent : Mr.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC and Section 21 (1) Mines & Minerals (Development & Regulation) Act, 1957 in Crime No.632 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 24.12.2018, during vehicle cheque up by the respondent police near Santhanagri River, they found that the petitioner unlawfully quarried the river sand and transported the same through a Tipper Lorry bearing Registration Number. TN 74 J 8977 without any valid permission.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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 Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioner illegally transported 1 unit of river sand.

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

6.At this juncture, the learned counsel appearing for the



petitioner would submit that the petitioners will make payment of Rs.15,000/- to show his 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 petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner 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, Vendasandur, Dindigul District;

(ii) the petitioner shall make a non refundable deposit of Rs.15,000/- (Rupees fifteen thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner. It is made clear that the bonafide offer made by the petitioner to deposit the amount would not amount to admitting the guilt;

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders, 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, VEDASANDUR, DINDIGUL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE INSPECTOR OF POLICE,
VADAMADURAI POLICE STATION, DINDIGUL DISTRICT.

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

COPY TO

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST, DINDIGUL DISTRICT.

+1. CC to Mr.B.ARUN Advocate SR.No.24115
PS/PN/SAR-2/03.01.2019/2P/7C

ORDER

IN

CRL OP (MD) No.22900 of 2018

Date : 27/12/2018