



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

Wednesday, the Twenty Ninth day of August Two Thousand Eighteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD) No.15366 of 2018

1 PALANI
2 MURUGAN S/O.ESAKKI THEVAR
3 MURUGAN S/O.CHELLA DURAI THEVAR... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE INSPECTOR OF POLICE,
SEEVLAPERI POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.144 OF 2018 ... RESPONDENT / COMPLAINANT(S)

For Petitioner : M/S.S.MUTHUMALAIRAJA, Advocate

For Respondent : MRS.M.ANANTHA 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 of I.P.C., in Crime No.144 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 23.08.2018, the petitioners had transported the 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 ½ unit and the same was recovered.

5.The learned counsel for the petitioners seeks permission of this court to withdraw this petition, in sofar as the first petitioner is concerned.



6. Recording the same, this Criminal Original Petition is dismissed as withdrawn as far as the first petitioner is concerned.

7. 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 second and third petitioners are directed to deposit jointly a sum of Rs.10,000/- (Rupees five thousand only) 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.

8. Merely, because the petitioners 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.

9. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the second and third petitioners with certain conditions. Accordingly, the second and third petitioners shall deposit jointly a sum of Rs.10,000/- (Rupees ten thousand only) 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 No.III, Tirunelveli, Tirunelveli 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 on further condition that the second and third petitioners shall appear before the respondent police as and when required for interrogation. The second and third petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

10. The second and third petitioners 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/-
29/08/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.3,
TIRUNELVELI, TIRUNELVELI DISTRICT.

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2 TO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
SEEVLAPERI POLICE STATION, TIRUNELVELI DT.

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

5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.16458

ORDER

IN

CRL OP(MD) No.15366 of 2018

Date :29/08/2018

TR/RR/SAR-2 (04/09/2018) 3P/7C