



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.22943 of 2018

1 C.BABURAJAN

2 R.RAJESH

... PETITIONERS / ACCUSED NO.1 & 3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.604/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.KESAVAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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 offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.225 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 23.12.2018, during vehicle cheque up by the respondent police at Lebbaikudiyiruppu Road, they found that the petitioners unlawfully quarried the river sand and transported the same through two Taras Lorries bearing Registration Numbers. TN 74 M 5259 and TN AB 9306 without any valid permission.

3.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the State.

4.According to the petitioners, they have not committed any offence as alleged by the prosecution and for statistical purpose, a false case has been registered against them.

5.The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioners illegally transported 10 units of river sand.



6. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners will make payment of Rs.75,000/- 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 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, Valliyoor, Tirunelveli District;

(ii) the petitioners shall make a non refundable deposit of Rs.75,000/- (Rupees seventy five thousand only) each 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, 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, VALLIYOOR, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.

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

COPY TO

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

PS/PN/SAR-2/03.01.2019/2P/6C

ORDER

IN

CRL OP (MD) No.22943 of 2018

Date : 27/12/2018