



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.22989 of 2018

SUNDARAMOORTHY

... PETITIONERS / A3

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SAAPTUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.180/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : 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 petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC and Section 4(1) (1A) r/w Section 21(1) of Mines and Minerals (Development and Regulations) Act, registered in Crime No.180 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 22.12.2018, during vehicle check up by the respondent police at Annayakaraipatti, they found that the petitioner unlawfully quarried the red sand and transported the same by using JCB bearing Registration Number. TN 59 AF 1086 without any valid permission.

3.Heard the learned counsel for the petitioner 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 petitioner illegally transported one unit sand.



6. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioners will make payment of Rs.10,000/- 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, Peraiyur;

(ii) the petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees ten 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. 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.

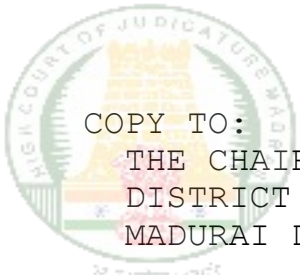
TO

1. THE JUDICIAL MAGISTRATE,
PERAIYUR.

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

3. THE INSPECTOR OF POLICE,
SAAPTUR POLICE STATION,
MADURAI DISTRICT.

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



COPY TO:
THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.

+1. CC to MR.K.SIVABALAN Advocate SR.No.24130

ORDER

IN

CRL OP (MD) No.22989 of 2018

Date :27/12/2018

pnn

JM/PN/SAR 2/07.01.2019/3P/7C