



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

Friday, the Seventh day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.16065 of 2018

BALU @ YESUBALAN,

... PETITIONER/ 5th ACCUSED

Vs

THE STATE
BY THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME.NO.178 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

For Respondent : MR.V.NEELAKANDAN
ADDITIONAL PUBLIC PROSECUTOR

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

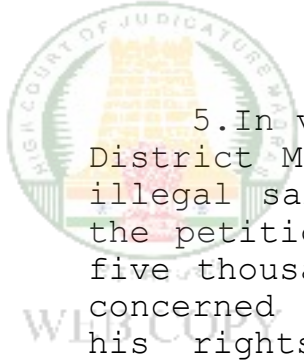
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 353, 307 and 379 I.P.C. in Crime No.178 of 2017, seeks anticipatory bail

2.The case of the prosecution is that based on secret information, the respondent police found that the petitioner and other accused had transported the sand illegally without valid permission. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is two unit and the same was recovered. During the time of occurrence, the first accused is trying to dash the vehicle against the defacto complainant. However, the defacto complainant and his subordinates narrowly escaped. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.



5. 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 petitioner is directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit he is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Charanmahadevi and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner 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.

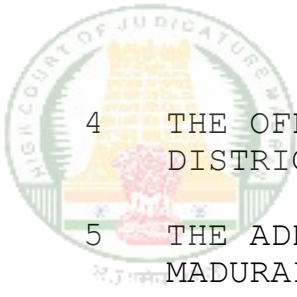
sd/-
07/09/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERAMAHADEVI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
PATHAMADAI POLICE STATION,
THIRUNELVELI DISTRICT.



4 THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST, THIRUNELVELI DISTRICT

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

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+1. CC to M/S.D.VENKATESH Advocate SR.No.

ORDER

IN

CRL OP (MD) No.16065 of 2018

Date :07/09/2018

MSI/PN/SAR-I/17.09.2018-3P/7C