



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

Monday, the Third day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21311 of 2018

P.RANJITHKUMAR

... PETITIONER / A3

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.233/2018

... RESPONDENT

For Petitioner : MRR.SURESH KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 I.P.C. r/w Section 21(1) Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.233 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 03.09.2018, the petitioner has transported two units of sand illegally without valid permission. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Government Advocate (criminal side) appearing for the respondent submitted that the quantity of sand involved is two units and the same was recovered. He further submitted that there is no previous is pending against the petitioner. He also submitted that this Court had already granted anticipatory bail to the petitioner on 26.09.2018 in Crl.O.P.(MD)No.17143 of 2018, but, the conditions have not been complied with by the petitioner and hence, he filed this second anticipatory bail application.

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.10,000/- (Rupees Ten 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.10,000/- (Rupees Ten 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, Thiruvaiyaru, Thanjavur 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

[a] the petitioners shall report before the respondent police as and when required for interrogation.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

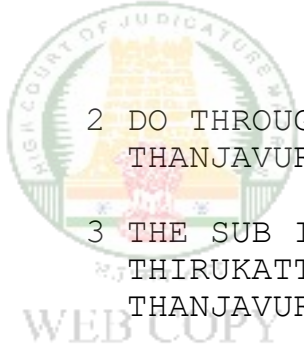
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/12/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE SUB INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.R.SURESH KUMAR Advocate SR.No. 98460

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

ORDER
IN
CRL OP(MD) No.21311 of 2018
Date :03/12/2018

JM/JC/SAR 1/12.12.2018/3P/7C