



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

Tuesday, the Twenty Eighth day of August Two Thousand Eighteen  
PRESENT

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

CRL OP(MD) No.15222 of 2018

1 RAJKUMAR  
2 KANNAN

... PETITIONERS / ACCUSED NO.1&2

Vs

STATE REP.BY  
THE SPECIAL SUB INSPECTOR OF POLICE,  
KATTUPATI POLICE STATION,  
MADURAI DISTRICT.  
(CRIME .NO.131/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.DINESHKUMAR Advocate

For Respondent : Mrs.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, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379, 430, 353 I.P.C and Section 3 TNPPDL Act, r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act, in Crime No.131 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 20.08.2018, the petitioners had transported the sand, illegally, by using lorry. Hence, the complaint.

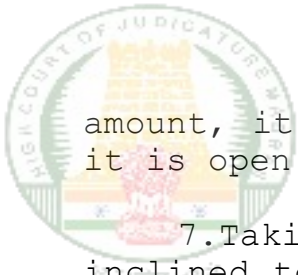
3.Heard the learned counsel appearing for the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that the quantity of sand involved is one unit. The stolen properties have not been recovered. He further submitted that there is no previous case is pending against 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 petitioners are directed to deposit jointly 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 their rights and contentions before the trial Court.

<https://hcservices.ecourts.gov.in/hcservices/>

6.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.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners shall deposit jointly 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, they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Vadipatti 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 petitioners shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8. The 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/-

28/08/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE SPECIAL SUB INSPECTOR OF POLICE,  
KATTUPATI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE,  
THE DISTRICT MINERAL FOUNDATION TRUST,  
MADURAI.

+1. CC to M/S.R.DINESHKUMAR Advocate SR.No.16400  
PS/JC/SAR-2:03/09/2018:2P/7C

ORDER

IN

CRL OP(MD) No.15222 of 2018

Date :28/08/2018