



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

Thursday, the Thirtieth day of August Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.15411 of 2018

KUMARESAN,

... PETITIONER / ACCUSED NO.2

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
BODINAYAKANUR TALUK POLICE STATION,
THENI DT.
(CR.NO.519 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.RAMESH 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 petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and 21 (1) of Mines and Minerals Act in Crime No.519 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was conducting usual checkup, at that time, he came to know that two accused persons were illegally trying to transport river sand. On seeing, the defacto complainant the accused ran away from the occurrence place. Hence, the respondent police registered a case.



3.The learned Government Advocate (Crl.side) states that there is no previous case is pending against the petitioner herein.

4.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 her rights and contentions before the trial Court.

5.Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Bodinayakanur 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 as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.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/-

30/08/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
BODINAYAKANUR, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI.

3 THE INSPECTOR OF POLICE,
BODINAYAKANUR TALUK P.S., THENI DT.



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

WEB COPY +1. CC to M/S.M.RAMESH Advocate SR.No.16570

ORDER
IN
CRL OP(MD) No.15411 of 2018
Date :30/08/2018

TR//SAR-2 (06/09/2018) 3P/6C