



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

Friday, the Thirty First day of August Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.15548 of 2018

1 ROBIN
2 VIKKY@VIGNESWARAN
3 MAGESH
4 ANEST
5 SELVARAJ
6 MARISON

... PETITIONERS/ACCUSED NO.3 TO 8

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KALAKADU POLICE STATION, TIRUNELVELI
DISTRICT
CRIME NO.285 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.NALLAMUTHU Advocate

For Respondent : MRS. ANANTHA DEVI
Govt. Advocate (Crl. Side)

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

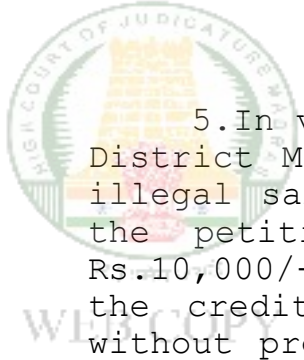
ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 I.P.C r/w Section 3(1) TNPPDL in Crime No.285 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on a secret information the defacto complainant had conducted ride at Sethurayapuram and Chithambarapuram. At that time, it was found that the accused persons were indulged in sand transporting and on seeing the police officials, the accused persons ran away from the place of occurrence.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor submitted that the quantity of sand involved is ¼ unit and the same was recovered by the respondent police.



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.10,000/- (Rupees ten 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.

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. 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, Nanguneri 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.

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/-
31/08/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
KALAKADU POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.15548 of 2018
Date :31/08/2018