



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

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15935 of 2018

1 MARKANDAN
2 MUTHARASU
3 ALAGUPANDI
4 KARUNANIDHI

... PETITIONERS/ACCUSED NOS. 1,2,4 AND 5

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
THIRUCHULLI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
(CRIME NO. 170 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.JOTHI BASU 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 petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.170 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 02.09.2018 the petitioners and other accused had illegally transported the river sand without valid permission. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is 2 ½ unit and the same was recovered. He further submitted that the second petitioner is having three previous cases and the fourth petitioner



is having four previous cases. There is no previous case is pending against the first and third petitioners.

5. Considering the previous antecedents of the petitioners, this Court is not inclined to grant anticipatory bail to the second and fourth petitioners in this case. Accordingly, this Criminal Original Petition is dismissed as far as the second and fourth petitioners are concerned.

6. This Court is inclined to grant anticipatory bail to the first and third petitioners in this case. 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 1 and 3 are directed to deposit jointly a sum of Rs.15,000/- (Rupees fifteen 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.

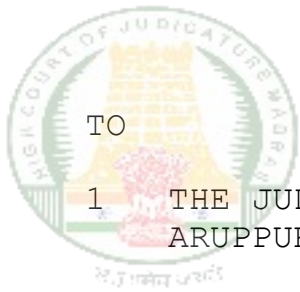
6. Merely, because the petitioners 1 and 3 have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

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 1 and 3 shall deposit jointly a sum of Rs.15,000/- (Rupees fifteen 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, Aruppukottai 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 1 and 3 shall appear before the respondent police as and when required for interrogation. The petitioners 1 and 3 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 1 and 3 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/-
06/09/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUTHUNAGAR DISTRICT.

3 THE SUB INSPECTOR OF POLICE
THIRUCHULLI POLICE STATION,
VIRUDHUNAGAR DISTRICT,

4 THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR.

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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No. 17151

ORDER

IN

CRL OP(MD) No.15935 of 2018

Date :06/09/2018

MSI/RR/SAR-I/12.09.2018-3P/7C