



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

Tuesday, the Eleventh day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.16282 of 2018

1 V. SERMAN PANDI,
2 ESAKKIPANDI, ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.51 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.SATHYA CHIDAMBARAM Advocate

For Respondent : MRS.M.ASOKAN
Govt. Advocate (Crl. Side)

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

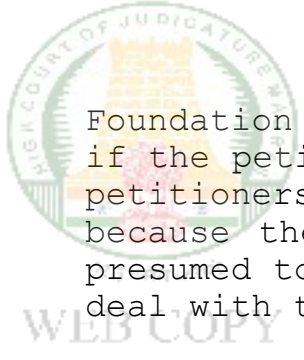
ORDER : The Court Made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police for the offence punishable under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.51 of 2018, seek anticipatory bail.

2. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate appearing for the respondent.

3. The petitioners' earlier anticipatory bail petition was dismissed by this Court on 26.07.2018, taking note of the quantity of sand involved. The petitioners have now renewed their application and the learned Counsel contends that the petitioners' case deserves to be viewed sympathetically, as they are not having any bad antecedents.

4. The petitioners further undertake to remit a sum of Rs.5,000/-, each, to the credit of the concerned District Mineral



Foundation Trust. This amount is a non-refundable deposit, ie., even if the petitioners are acquitted, the same will not be refunded. The petitioners agree for such condition. It is made clear that merely because the petitioners have made such deposit, they shall not be presumed to have admitted their guilt. The learned trial Judge shall deal with the case independently.

5. Taking note of these aspects, the petitioners are permitted to surrender before the jurisdictional Magistrate and file their regular bail application. The learned Magistrate is directed to dispose of the bail application on the same date of their surrender.

6. This criminal original petition is disposed of in the above terms.

sd/-
11/09/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VILATHIKULAM
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT
 - 3 THE INSPECTOR OF POLICE
MASARPATTI POLICE STATION, THOOTHUKUDI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 5 THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST, THOOTHUKUDI.
- +1. CC to MR.S.SATHYA CHIDAMBARAM Advocate SR.No. 17340

ORDER
IN
CRL OP(MD) No.16282 of 2018
Date :11/09/2018

MSI/PN/SAR-II/19.09.2018-2P/7C