



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

Thursday, the Twentieth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

**CRL OP(MD) No.16881 of 2018**

SUDHAKAR

... PETITIONER / ACCUSED NO.1  
Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
MELATTUR POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO. 70 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PITCHAI MUTHU 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 petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. and r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.70 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.08.2018, the petitioner and other accused persons have illegally transported the sand by using Mini Lorry TATA 407 bearing Reg.No.TN-74-M-3970. Hence, a case has been registered.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is one unit and the same was recovered. He further submitted that there is no previous case 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 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 his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his 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 petitioner with certain conditions. Accordingly, the petitioner shall 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 and on such deposit he is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Thanjavur, Thanjavur District, 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/-  
20/09/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO III  
THANJAVUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
THANJAVUR AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE  
MELATTUR POLICE STATION, THANJAVUR DT.,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI



COPY TO:- THE OFFICER IN CHARGE  
THE DISTRICT MINERAL FOUNDATION TRUST,  
THANJAVUR.

+1. CC to MR.M.PITCHAI MUTHU Advocate SR.No.17942

ORDER

IN

CRL OP(MD) No.16881 of 2018

Date :20/09/2018

MSI/PN/SAR-II/27.09.2018-2P/7C