



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

Wednesday, the Twelfth day of September Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.16313 of 2018

1 MUNIYANDI
2 MAYAKRISHNAN
3 RAGUVARAN

... PETITIONERS / ACCUSED NO.2 to 4

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT
(IN CR NO.112 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.G.KANDHA VADIVELAN 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/A2 to A4 apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w.21(1) Mines and Minerals Act, 1957 and Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.112 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 24.08.2018, the petitioners have transported the river sand illegally by using Tipper Lorries bearing Registration Nos.TN63K 5724 and TN72 AK 3627. Hence, a case has been registered.

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 was recovered. He further submitted that A1 is having one previous case and A2 is having three previous cases.



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 jointly 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 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. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners shall jointly 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, they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Sivagangai 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 shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioners 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/-
12/09/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO II
SIVAGANGAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE



3 THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION, SIVAGANGAI DISTRICT

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

5 THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST, SIVAGANGAI

+1. CC to MR.G.KANDHA VADIVELAN Advocate SR.No.17510

ORDER
IN
CRL OP(MD) No.16313 of 2018
Date :12/09/2018

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