



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.16333 of 2018

ALAGARSAMY

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.

Crime No. NO.119/2018

... RESPONDENT / RESPONDENT

For Petitioner : MR.PR BOOMEE RAJAN 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 Sections 353, 307, 379 I.P.C. and r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.119 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was taken the Odai sand through TATA 207 vehicle bearing No.TN-63-S-2353 on 02.09.2018 at about 07.00 a.m. Hence, the respondent police registered a case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is one unit and the same was recovered by the respondent police. He would 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.II, Sivagangai, Sivagangai 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 II
SIVAGANGAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI

<https://hcservices.ecourts.gov.in/hcservices/>

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,
THE DISTRICT MINERAL FOUNDATION TRUST, SIVAGANGAI.

+1. CC to MR.PR BOOMEE RAJAN Advocate SR.No.18010

ORDER
IN
CRL OP(MD) No.16333 of 2018
Date :20/09/2018

MSI/PN/SAR-II/26.09.2018-2P/7C