



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.16337 of 2018

1 A.MUTHUCHAMY,
2 P.BALAMURUGAN,
3 V.CHELLAPANDI,
4 K.RAVINDRAN @ RAVICHANDRAN, ... PETITIONERS / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
IN CR.NO.244/2018 ... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.BALASUBRAMANIAN 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 apprehend arrest at the hands of the respondent police for the offences punishable under Section 294(b), 353, 430, 307 and 379 IPC and 21(4) Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.244 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have transported the river sand illegally by using JCB. 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 there is no previous case against the petitioners.



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.20,000/- (Rupees Twenty 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.20,000/- (Rupees twenty 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.2, 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 and thereafter, as and when required for interrogation. 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 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.

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

3 THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.



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

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

+1. CC to Mr.P.BALASUBRAMANIAN Advocate SR.No.17466

ORDER
IN
CRL OP (MD) No.16337 of 2018
Date :12/09/2018

MSI/RR/SAR-IV/18.09.2018-2P/7C