



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

Friday, the Fourteenth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

**CRL OP(MD) No.16475 of 2018**

1 BASKARAN @ GOPALAKRISHNAN,

2 KARTHIK ... PETITIONERS / ACCUSED Nos. 1 & 7

Vs

STATE: THE INSPECTOR OF POLICE,  
NACHIYAPURAM POLICE STATION,  
SIVAGANGAI DISTRICT.  
CRIME NO.120/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.V.KANNAN Advocate

For Respondent : Mr.V.NEELAKANDAN,  
Additional Public Prosecutor

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

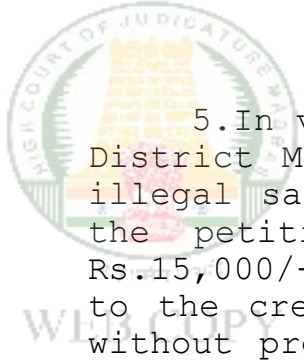
ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120 (b), 379, 34 IPC and Section 21(4) of Mines & Minerals Development Regulation Act, 1957, in Crime No.120 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused had illegally transported three units of river sand by using Ashok Layland Tipper Lorry bearing Registration Number TN 52 Z 3408. Hence, a case has been registered.

3.The learned counsel appearing for the petitioners submitted that A3 to A6 were arrested and released on bail by the learned Judicial Magistrate, Thiruppathur. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is three units and the same was recovered. He further submitted that there is no previous case pending 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 directed to deposit jointly a sum of Rs.15,000/- (Rupees fifteen 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 deposit jointly a sum of Rs.15,000/- (Rupees fifteen 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, Thiruppathur 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 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/-  
14/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,  
THIRUPPATHUR.

2. THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI DISTRICT.

3. THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST,  
SIVAGANGAI DISTRICT.



4. THE INSPECTOR OF POLICE,  
NACHIYAPURAM POLICE STATION, SIVAGANGAI  
DISTRICT.

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

+1. CC to MR.V.KANNAN Advocate SR.No.17594

ORDER

IN

CRL OP (MD) No.16475 of 2018

Date :14/09/2018

gns

AE/RR/SAR1/19.09.2018/3P/7C