



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

Monday, the Seventeenth day of September Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.16563 of 2018

C.MANDIRAMOORTHY

... PETITIONER/ACCUSED No.12

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
TUTICORIN DISTRICT
CRIME NO.108 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.BANU PRASATH, 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 apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. and 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 and 109 I.P.C, in Crime No.108 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported the river sand by using JCB bearing Reg.No.TN69-BE-1618. 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 12 units and the same was recovered. He further submitted that there is no previous is 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.60,000/- (Rupees sixty 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.60,000/- (Rupees sixty 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, Vilathikulam 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/-

17/09/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VILATHIKULAM, TUTICORIN DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE
KULATHUR POLICE STATION, TUTICORIN DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1. CC to MR.P.BANU PRASATH, Advocate SR.No.17673

ORDER IN
CRL OP(MD) No.16563 of 2018
Date :17/09/2018