



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.16726 of 2018

SANTHA KUMAR,

... PETITIONER / ACCUSED nO.1

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.371 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.MUTHUSARAVANAN 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 Section 379 I.P.C. and r/w Section 21 of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.371 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 01.09.2018 at about 12.00 p.m when the respondent was on surveillance near Thikkurichi Junction intercepted and searched the vehicle bearing Registration No.TN-74-AK-8374 a Tipper Tempo, found river sand which was transported without any valid license. 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.



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.I, Kuzhithurai, Kanyakumari 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

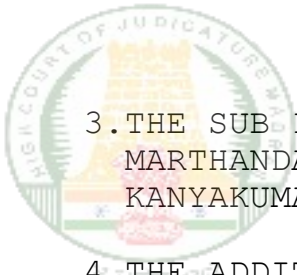
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT

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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
KANYAKUMARI DISTRICT

+1. CC to MR.C.MUTHUSARAVANAN Advocate SR.No.17945

ORDER
IN
CRL OP(MD) No.16726 of 2018
Date :20/09/2018

sjj
AE/RR/SAR1/27.09.2018/3P/7C