



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

Tuesday, the Twenty Fifth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.16794 of 2018

PANNEERSELVAM

... PETITIONER / ACCUSED NO.9

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
KULATHUR POLICE STATION,  
THOOTHUKUDI DISTRICT.  
(CR NO.108 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.THIRUVADI KUMAR 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 offences punishable under Sections 379 I.P.C., Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 109 I.P.C in Crime No.108 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has transported the sand illegally without valid permission. 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 one unit and the same was recovered. He further submitted that the petitioner is having one previous case.

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, 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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.

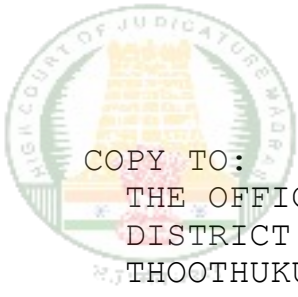
sd/-  
25/09/2018

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

TO

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



COPY TO:  
THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST,  
THOOTHUKUDI DISTRICT.

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.18241

ORDER  
IN  
CRL OP (MD) No.16794 of 2018  
Date :25/09/2018

JM/VR MMS/SAR 4/26.09.2018/3P/7C