



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

Thursday, the Twenty Seventh day of September Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.17316 of 2018

1 K.MUTHURAJ
2 ATHEESWARAN

... PETITIONERS / ACCUSED NO.2 AND 3

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR NO.374 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHI BASU 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, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 I.P.C. r/w Section 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.374 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had illegally transported the river sand. 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 involved is one unit and the same was recovered. He further submitted that the second petitioner is having one previous case.

<https://hcservices.ecourts.gov.in/hcservices/>
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.5,000/- (Rupees five 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.

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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.5,000/- (Rupees five 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.II, Sattur 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/-
27/09/2018

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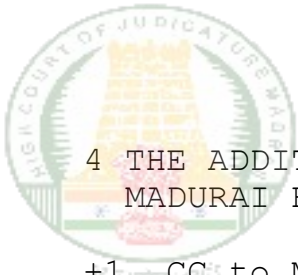
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1. CC to M/S.M.JOTHI BASU Advocate SR.No.18450

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

ORDER
IN
CRL OP (MD) No.17316 of 2018
Date :27/09/2018

JM/MMS/SAR 2/03.10.2018/3P/7C