



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

Thursday, the Fourth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP (MD) No.17683 of 2018

M.PONRAJ

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
SIVAGIRI TALUK,
TIRUNELVELI DISTRICT
CRIME NO.35/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR, Advocate

For Respondent : MRS.M.ANANTHADEVI, Government Advocate (Crl.Side)

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 offences punishable under Section 379 (Sand theft) I.P.C., in Crime No.35 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 30.01.2018, 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 Government Advocate (Criminal Side) appearing for the respondent submitted that the quantity of sand involved is ¼ unit and the same was recovered. He further submitted that the petitioner is having two previous cases.

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, Sivagiri, Tirunelveli 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/-
04/10/2018

/ TRUE COPY /

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

TO

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

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

+1. CC to MR.C.SUSI KUMAR, Advocate SR.No.18856

ORDER IN
CRL OP(MD) No.17683 of 2018
Date :04/10/2018