



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

Friday, the Fifth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.17722 of 2018

1 ARUL MURUGAN

2 KARTHIK

... PETITIONERS / ACCUSED RANK NO.1 and 2

Vs

STATE REP. BY

THE SUB INSPECTOR OF POLICE

WORAIYUR POLICE STATION,

TIRUCHIRAPPALLI DISTRICT.

(CRIME NO. 691 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.ALAGUMANI 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 apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 I.P.C. and Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.691 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 28.09.2018, the petitioners have transported the sand illegally without valid permission. 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 1 unit and the same was recovered. He further submitted that the petitioners are having no previous case.



illegal sand mining activities, this Court is of the opinion that the petitioners are 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 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, each of the petitioners 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 they are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.IV, Tiruchirappalli 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 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/-
05/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO IV
TRICHIRAPALLI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE SUB INSPECTOR OF POLICE

<https://hcservices.courts.gov.in/hcservices/>
MADRAS POLICE STATION, TIRUCHIRAPPALLI DISTRICT.



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

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

WEB COPY

+1. CC to MR.R.ALAGUMANI Advocate SR.No.19005

ORDER
IN
CRL OP (MD) No.17722 of 2018
Date :05/10/2018

MSI/VR-MMS/SAR-I/10.10.2018-3P/7C