



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

Tuesday, the Ninth day of October Two Thousand and Eighteen

PRESENT

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

CRL OP(MD) No.18048 of 2018

NALLAKANNU

... PETITIONER / ACCUSED NO.5

Vs

THE STATE THROUGH,  
THE INSPECTOR OF POLICE,  
SRIVAIKUNDAM POLICE STATION,  
TUTICORIN DISTRICT.  
(IN CRIME NO.297 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.MUTHUPANDI, Advocate.

For Respondent : Mr.M.ASHOKAN, Govt. Advocate ( Crl. Side)

**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 147, 294(b), 353, 379 506(ii) I.P.C r/w Section 3 of TNPPDL Act, in Crime No.297 of 2017, seeks anticipatory bail.

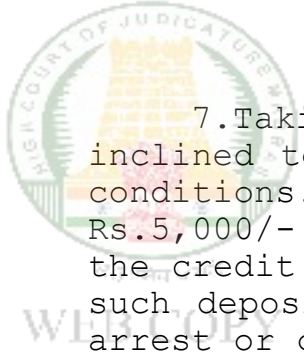
2.The case of the prosecution is that on 21.08.2017, when the respondent police patrolling, at that time, he found that the sand was loaded by the accused persons, illegally. After seeing the respondent police, they fled away from the scene of occurrence. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there are five previous cases pending in similar nature of offence.

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, Srivaikundam, Thoothukudi 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 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/-  
09/10/2018

/ TRUE COPY /

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

TO

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

**COPY TO:**

THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST, THOOTHUKUDI.

+1. CC to Mr.P.MUTHUPANDI, Advocate, SR.No.19236.

ORDER  
IN  
CRL OP(MD) No.18048 of 2018  
Date :09/10/2018