



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

Tuesday, the Ninth day of October Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.18025 of 2018

ESAKKIPANDI @ PANDI

... PETITIONER/ ACCUSED NO.2

Vs

STATE THROUGH THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.297/2017

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.M.NALLAMUTHU Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
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 Sections 147, 294(b), 353, 506(ii), 379 I.P.C, r/w 3 of TNPPDL Act, in Crime No.297 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and others had transported the river sand illegally by using Mahendra Jeep bearing registration No.TCK 1105. 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. The petitioner is having six previous cases, but it is not similar in nature.

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 Court, Srivaikundam 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.am., for a period of two weeks, 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

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

TO

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



5 THE OFFICER IN CHARGE
DISTRICT MINERAL FOUNDATION TRUST, TUTICORIN DISTRICT

+1...CC to MR.M.NALLAMUTHU Advocate SR.No.19280

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ORDER

IN

CRL OP (MD) No.18025 of 2018

Date :09/10/2018

MSI/RR/SAR-I/15.10.2018-3P/7C