



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

Friday, the Twelfth day of October Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.18442 of 2018

SHANKAR

... PETITIONERS / ACCUSED NO.2

Vs

STATE THROUGH THE INSPECTOR OF POLICE,
NADUKAVERY POLICE STATION,
THANJAVUR DISTRICT.

(CRIME NO.171 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.MAHESWARAN 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 petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 I.P.C and 21 (1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.171 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had transported the sand illegally without valid permission. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he is only the owner of the vehicle and he has noway connected in this allegations. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is two unit and the same was recovered. He further submitted that there is no previous is pending against the petitioner.

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.10,000/- (Rupees ten 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.10,000/- (Rupees ten 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, Thiruvaiyaru 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/-
12/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE,
NADUKAVERY POLICE STATION,
THANJAVUR DISTRICT.



COPY TO:-

THE OFFICER IN CHARGE
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT

WEB COPY

ORDER

IN

CRL OP (MD) No.18442 of 2018

Date :12/10/2018

MSI/VR-MMS/SAR-I/24.10.2018-3P/6C