



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

Monday, the Sixth day of August Two Thousand Eighteen
PRESENT

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

CRL OP(MD) No.13973 of 2018

WEB COPY

1.ARUN

2.GANESH @ GANESHAN

... PETITIONERS/ACCUSED NOS.1 & 4

Vs

STATE REP BY.THE SUB INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO.113/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.BALAMURUGAN 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 offence punishable under Section 379 I.P.C. in Crime No.113 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused had illegally transported the river sand by using Super Ace Vehicle bearing Reg.No.TN-75-S-5517. Hence, a case has been registered.

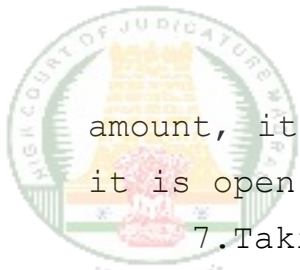
3.Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is ½ unit and the same was recovered.

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 petitioners are directed to deposit jointly 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.

<https://hcservices.ecourts.gov.in/hcservices/>

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, the petitioners shall deposit jointly 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, Nanguneri, Tirunelveli District 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/-
06/08/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
 - 3 THE OFFICER INCHARGE, DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI.
 - 4 THE SUB INSPECTOR OF POLICE, VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BALAMURUGAN Advocate SR.No.15166

ORDER
IN
CRL OP(MD) No.13973 of 2018
Date : 06/08/2018