



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

Friday, the Fifteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.22958 of 2018

JAYARAJ

... PETITIONER / ACCUSED

Vs

STATE REP. BY

THE SUB INSPECTOR OF POLICE,

VATHALAI POLICE STATION,

TRICHY DISTRICT.

IN CRIME NO. NOT KNOWN OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUKRISHNAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

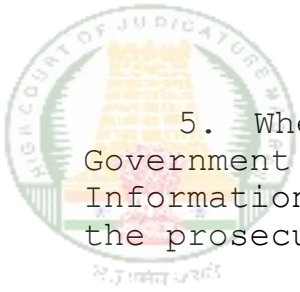
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 registered in Crime No. Not Known of 2018, seeks anticipatory bail.

2. When the matter was taken up for hearing on 27.12.2018, it was represented on the side of the respondent police that a complaint was received from the Village Administrative Officer on 16.12.2018 and they are treating the complaint as petition enquiry.

3. The nature of the complaint is that when the Village Administrative Officer along with Tahsildar visited the place of occurrence, they found that river sand has been taken from Iyyaru river and illegally stored in the petitioner's place. Considering the facts and circumstances of the case, this Court was pleased to grant anticipatory bail to the petitioner. But, it appears that the respondent police had, in fact, registered a case against the petitioner in Crime No.20 of 2019, for the offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. Therefore, this matter is posted today under the caption 'for clarification'.



5. When the matter is taken up for hearing today, learned Government Advocate (Crl. Side) produced a copy of the First Information Report in Crime No.20 of 2019 and reiterated the case of the prosecution from the First Information Report.

6. Considering the facts and circumstances of the case and also taking into account of the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner and accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Musiri;

(ii) the petitioner shall make a non refundable deposit of Rs.30,000/- (Rupees thirty thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner. It is made clear that the bonafide offer made by the petitioner to deposit the amount would not amount to that of admitting the guilt; and

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall surrender before the concerned Court within 15 days, failing which, the petition for anticipatory bail shall stand dismissed;

7. In fine, this criminal original petition is ordered.

sd/-
15/02/2019

/ TRUE COPY /

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

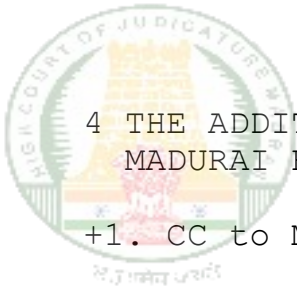
TO

1 THE JUDICIAL MAGISTRATE,
MUSIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE SUB INSPECTOR OF POLICE,
VATHALAI POLICE STATION,

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



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

+1. CC to M/S.S.MUTHUKRISHNAN Advocate SR.No. 24162

COPY TO:

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

ORDER

IN

CRL OP (MD) No.22958 of 2018

Date :15/02/2019

JM/PN/SAR 1/22.02.2019/3P/7C