



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

Dated: 22/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

WEB COPY

Crl.OP(MD)No.3482 of 2022

Katchi Mydeen

... Petitioner/Accused No.23

Vs.

THE STATE REP BY,
The Inspector of Police,
CBCID Police,
Tirunelveli District.
(Crime No.2 of 2021)

... Respondent/Complainant

For Petitioner : Mr.N.Ananthapadmanabhan, Advocate
for M/s.APN Law Associates

For Respondent : Mr.SS.Madhavan
Government Advocate (Criminal side)

PETITIONS FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A23 apprehending arrest for the alleged offence punishable under section 379 IPC r/w 21(1)(IV) of the Mines and Minerals Act, in Crime No.2 of 2021 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Deputy Thasildhar working in Ambasamudaram Taluk. The accused was granted permission by the Thasildhar, Ambasamudiram for the purpose of putting up storage yard in Survey No.843, South Kallidaikurichi Village for storing mines weighting about 41,996 cbm. Permission was also granted to the accused to transmit the above said minerals. Apart from the above permitted field, the accused was also managing other survey numbers about 280 acres. Since the above said survey numbers claimed to farm ponds, 7 ponds have been formed. About 600 units has been taken from the ponds. No permission was obtained for farming the above said ponds. The sand has been processed and has been sold away. No machinery was also



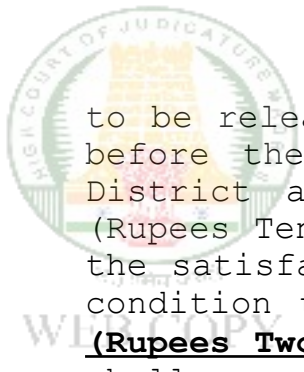
installed by the above accused person for the purpose of manufacturing the M-sand. About 11,146 units of sand has also been lifted. So for the above said complaint, he made allegation that the accused Manivel George has lifted sand without proper permission and licence and also by processing the same, sold away. Based upon which, the above said case has been registered originally by CCB, Tirunelveli and on the basis of the order of this court passed in WP (MD) Nos.11057 and 15312 of 2020, dated 20/07/2021, later, it has been taken over by the CBCID (SIT), Tirunelveli. But during the course of investigation, so many materials have been collected and the accused persons namely Manivel George went absconding. Later, he filed the anticipatory bail before this court in Crl.OP(MD)No.14887 of 2021 and in that petition, interim anticipatory bail has been granted to the 1st accused on the ground that for the past 1-1/2 years, no arrest has been made upon the accused person.

3. During the course of investigation, several persons have been implicated in this case. Totally more than 13 accused in this matter and this petitioner/A23. Seeking anticipatory bail, this petition came to be filed by this petitioner.

4. The learned Additional Public Prosecutor would submit that a big scam involved in this issue and some of the persons have been arrested and remanded to judicial custody and later, released on bail and some of them were granted anticipatory bail. Against some of them, the prosecution has filed a petition to recall the bail. So according to him, this petitioner is the main and prime accused in this matter and for the purposing of showing bona fide, he only purchased the M-sand and absolutely there is no prohibition for purchasing the sand from the licenced holder. He is only a contractor, who has been rightly roped in this case.

5. This court on the earlier occasion, while dealing with the application filed one Gobi had gone through entire CD file and found that only A1 is the main beneficiary of the above said scam of illegal sand mining activity. It has been observed that a big conspiracy alleged to have been taken place, involving the huge quantity of sand, finding that the main accused, who is the main beneficiary has been granted anticipatory bail. When that bail application was allowed, now even though the Additional Public Prosecutor would submit that this petitioner is the prime or main accused, as found by this court, the prima and main beneficiary is A1. Even though it is stated that this petitioner has purchased the M-sand, these facts can be found out only during the course of investigation. For the purpose of showing his bona fide, the petitioner is ready to deposit some amount to the credit of the Crime No.2 of 2021 on the file of the respondent police.

6. Considering the above facts and circumstances of this case, this court is inclined to **grant anticipatory bail** to the petitioner **on the following conditions.** Accordingly, the petitioner is re ordered



to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Ambasamudram, Tirunelveli 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 deposit a sum of **Rs.2,85,000/- (Rupees Two lakhs and Eighty five thousand only)** and the petitioner shall appear before the Special Investigation Team, attached to Crime Branch, CBCID, Madurai, once in a week at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Judge within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-

22/02/2022

/ TRUE COPY /

/ /2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
CBCID POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
CRIME BRANCH,
CBCID BRANCH,
MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1CCto M/s.APN LAW ASSOCIATES, Advocate (SR-1401[I]dated 23/02/2022)

ORDER

IN

CRL OP(MD) No.3482 of 2022

Date :22/02/2022

PKP/VR/SAR-4/07.03.2022/3P/7C

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