



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

Wednesday, the Fifteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15547 of 2017

1 SENTHIL
2 KANNAN
3 THANGAVEL

... PETITIONERS / ACCUSED NO.1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ANJUGRAMAM POLICE STATION, KANYAKUMARI,
CR NO. 362/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.P.GANAPATHISUBRAMANIAN Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

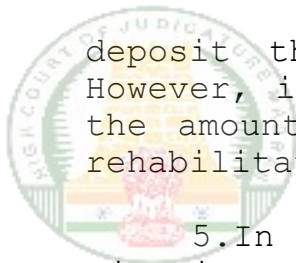
ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 to 3 , who were arrested and remanded to judicial custody on 31.10.2017 by the respondent police for the offences punishable under Sections 420 and 379 of I.P.C. and Section 21(1) of Mines and Minerals Act, in Crime No.362 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the respondent police conducted vehicle checkup, they found that the petitioners were illegally transported river sand through tipper lorry. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offences as alleged by the prosecution. He fairly conceded that the petitioners are ready and willing to deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the tipper lorry was seized by the respondent police. He further submitted that if the person is caught with illegal sand in the mining area, he has to be directed to



deposit the conditional amount to the credit of Crime number. However, in view of formation of District Mineral Foundation Trust, the amount may be deposited to the credit of the said Trust for rehabilitation in the illegal sand mining affected areas.

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 and also considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

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. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), I am inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

- (i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil;
- (ii) the petitioners shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to their defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;
- (iii) the petitioners shall report before the respondent police, daily between 10.00 a.m., and 11.00 a.m., for a period of two weeks;
- (iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioners shall not abscond either during investigation or trial;
- (vi) the petitioners shall not commit any offence while on bail;



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(vii) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioners in accordance with law and the bail granted stands cancelled automatically.

sd/-
15/11/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 OFFICER IN CHARGE,
DISTRICT PRISON, NAGERCOIL.
- 4 THE INSPECTOR OF POLICE,
ANJUGRAMAM POLICE STATION, KANYAKUMARI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND, NAGERCOIL.

+1. CC to M/S.P.GANAPATHISUBRAMANIAN Advocate SR.No.34460

ORDER
IN
CRL OP(MD) No.15547 of 2017
Date :15/11/2017

MKV-PM-PN-SAR 1/16.11.2017/3P-8C