



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

Thursday, the Thirtieth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16363 of 2017

SANKAR

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KV NALLUR POLICE STATION,
CRIME NO.363 OF 2017,
TIRUNELVELI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.SENTHIL KUMAR Advocate

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

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

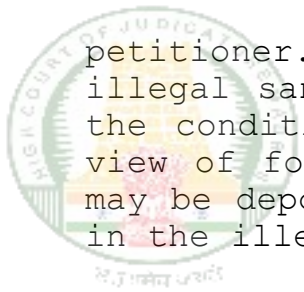
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 21.11.2017 by the respondent police for the offences punishable under Sections 294(b), 353, 307, 379 and 506(ii) of I.P.C. and Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.363 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused illegally transported one unit of sand from the stream through the Tractor bearing Registration No.TDR-3175 and when the same was questioned by the respondent police, the petitioner abused the respondent police in filthy language and attempted to cause injury with spade. Hence, a case has been registered against the petitioner for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offences as alleged by the prosecution. He fairly conceded that the petitioner is ready and willing to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions.

4.The learned Government Advocate (Criminal side) appearing for the state submitted that the tractor was seized by the respondent police and there is one previous case pending against the



petitioner. 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 petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions.

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. 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 petitioner. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned Judicial Magistrate, Sankarankovil;
- (ii) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust Fund, without prejudice to his defence before the trial Court and therefore, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;
- (iii) the petitioner shall report before the respondent police, daily between 10.00 a.m., and 11.00 a.m., for a period of two weeks and thereafter as and when required for interrogation;
- (iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (v) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (vi) the petitioner shall not abscond either during investigation or trial;
- (vii) the petitioner shall not commit any offence while on bail;



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

sd/-
30/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
KV NALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND, TIRUNELVELI

+1. CC to M/S.J.SENTHIL KUMAR Advocate SR.No.35367

ORDER
IN
CRL OP(MD) No.16363 of 2017
Date :30/11/2017

MKV-PM-PN-SAR 1/30.11.2017/3P-8C