



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

Thursday, the Fourteenth day of December Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.17250 of 2017

A.THANGAMALAI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 272/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MALAIKANI, Advocate

For Respondent : M/S.M.MURUGAN, Government Advocate(Crl.Side) for
M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

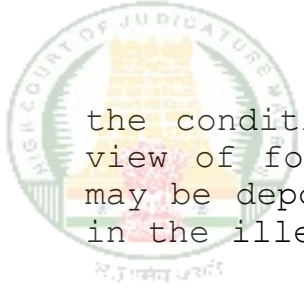
ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.11.2017 by the respondent police for the offences punishable under Section 379 (sand theft) of IPC in Crime No.272 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.10.2017 on receipt of the information, stating that some people were taking sand illegally from the Valivali Kanmai. The de facto complainant went to the spot and tried to prevent the same and the petitioner ran away from the scene of occurrence. 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.15,000/- (Rupees Fifteen Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

4.The learned Additional Public Prosecutor appearing for the State submitted that the vehicle 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 petitioner, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen 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 Additional Public Prosecutor, 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, Sivagiri;
- (ii) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen 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 not abscond either during investigation or trial;



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(vi) the petitioner shall not commit any offence while on bail;

(vii) 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/-
14/12/2017

/ TRUE COPY /

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

TO

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

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND,
TIRUNELVELI.

+1. CC to M/S.S.MALAIKANI Advocate SR.No.36214

ORDER
IN
CRL OP(MD) No.17250 of 2017
Date :14/12/2017

MS/CM/SAR.4/14.12.2017/3P.8C