



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

Monday, the Twenty Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.16978 of 2018

RAJ

... PETITIONER / ACCUSED - 1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.232 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.MURUGANANDAM, Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

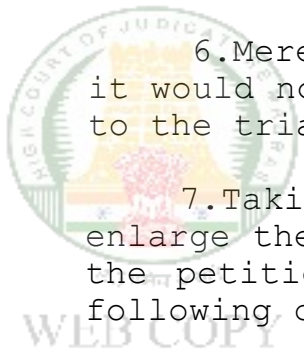
The petitioner is in judicial custody since 03.09.2018 for the offences punishable under Sections 379 I.P.C and Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.232 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 03.09.2018, when the defacto complainant was conducting usual checkup, at that time, he came to know that the accused person was illegally trying to transport the river sand by using tipper lorry bearing Registration No.TN-45-AF-8735. Hence, the respondent police registered a case.

3. Heard the learned counsel appearing for the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is two unit and the same was recovered by the respondent police. He further submitted that there is no previous pending against the petitioner.

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



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. Taking note of all these aspects, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) petitioner is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

(ii) On such deposit, the petitioner shall execute 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 Judicial Magistrate, Thiruvaiyaru.

(iii) the petitioner shall appear before the respondent police as and when required for interrogation.

sd/-
24/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

copy to:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR DISTRICT.

+1. CC to Mr.B.MURUGANANDAM Advocate SR.No.18073

ORDER IN
CRL OP(MD) No.16978 of 2018
Date :24/09/2018