



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7715 of 2018

NARAYANAN @ KANNAN

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SEVALAPERI POLICE STATION,
TIRUNELVELI DIST,
CR.NO.73/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate

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

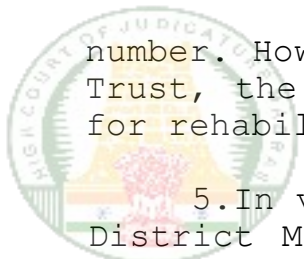
ORDER : The Court Made the following order :-

The petitioner / accused, who is arrested and remanded to judicial custody on 30.04.2018 for the offences punishable under Sections 353, 307 and 379 of IPC , in Crime No.73 of 2018, on the file of the respondent police ,seeks bail.

2.The case of the prosecution is that the petitioner has illegally transported one unit of river sand through vehicle. 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 an innocent person and he has not committed any offences as alleged by the prosecution and prays for bail.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the petitioners' vehicle along with sand was seized by the respondent police and there is no 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, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 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 submissions made by the learned Government Advocate (Crl.Side), this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

- (i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, No.III, Tirunelveli.
- (ii) the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners;
- (iii) the petitioner shall report before the respondent police, daily at 10.30 a.m until further orders.
- (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;
- (vi) the petitioner shall not commit any offence while on bail;
- (vii) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

09/05/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTANDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
SEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

6. THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST FUND,
TIRUNELVEI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.8302.

ORDER

IN

CRL OP(MD) No.7715 of 2018

Date :09/05/2018

SDS/PN/VK/10.05.2018/3P/8C