



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

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21196 of 2018

1 RAJENDRAN

2 LUCAS

3 PANNEER

... PETITIONERS / ACCUSED NOS.2,5 & 8

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.

IN CRIME NO.144 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.P.GANAPATHI SUBRAMANIAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 15.11.2018 for the offences punishable under Sections 21(4) of Mines and Minerals (D&R) Act & r/w 379 of IPC in Crime No.144 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners illegally transported two units of sand.

3.The learned counsel for the petitioners submitted that the petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case and that therefore, they may be granted bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that there is no previous case pending against the petitioners. He further submitted that if the persons are caught with illegal sand in the mining area, they have to be directed to deposit the conditional amount to the credit of Crime number. however, in view of formation of District Mineral Foundation Trust in each district, 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 by the State Government 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 make a non refundable deposit of **Rs.7,500/- (Rupees Seven Thousand Five Hundred only) each** to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

6. It is made clear that the deposit of the amount by the petitioners to the Trust would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail on their executing 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 No.IV, Trichy, and on further condition that:

[a] the petitioners shall make a non refundable deposit of **Rs.7,500/- (Rupees Seven Thousand Five Hundred only) each** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

[b] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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 as if the conditions have been imposed and the petitioner released on bail by the learned 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/11/2018

/ TRUE COPY /

WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

+1. CC to Mr.P.GANAPATHI SUBRAMANIAN Advocate SR.No.22474

ORDER
IN
CRL OP(MD) No.21196 of 2018
Date :30/11/2018

MS/VR-MMS/SAR-4/30.11.2018/3P.8C