



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

Monday, the Twenty Fifth day of June Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.10332 of 2018

M. KARUNAKARAN

... PETITIONER/1st ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT,
IN CRIME NO.138/2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THALAIMUTHARASU Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 09.06.2018 for the offences punishable under Sections 379, 353, 307, 506(ii) I.P.C and Sections 21(1), 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.138 of 2018, on the file of the respondent police. He seeks bail.

2. Heard the learned counsel appearing for the petitioner.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the petitioner is having two previous cases, which are of similar nature.

4.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) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

5.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.

6. 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) 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 No.II, Kulithalai.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the petitioner shall not abscond.

(iv) 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/-

25/06/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KULITHALAI
- 2 THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT
- 3 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION, KARUR DISTRICT
- 4 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Copy to:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
KARUR DISTRICT

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.11270

ORDER IN
CRL OP(MD) No.10332 of 2018
Date :25/06/2018