



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

Tuesday, the Thirtieth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.19319 of 2018

1.MANIKANDAN,
2.AROCKIAYADOSS,
3 MANGALESWARAN,
4 PERUMAL,

... PETITIONERS / ACCUSED Nos.1,3 to 5

Vs

STATE :

THE INSPECTOR OF POLICE,
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT,
(CRIME NO.571/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.V.KANNAN Advocate

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

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

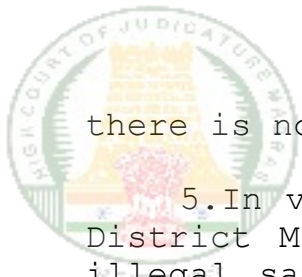
ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 13.10.2018 for the offences punishable under Sections 147, 379 I.P.C and Sections 21(1), 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.571 of 2018, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that on 13.10.2018, when the defacto complainant was conducting usual checkup, at that time, he came to know that the accused persons had illegally transported the river sand by using Tipper Lorry bearing Registration No.TN 63 K 6399. Hence, the respondent police registered a case.

3.Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is three unit and the same was recovered by the respondent police and



there is no previous case pending against the petitioners.

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 petitioners are jointly directed to deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners have 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. Taking note of all these aspects, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) petitioners are directed to jointly deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

(ii) On such deposit, 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 No.I, Sivagangai.

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

sd/-
30/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE
KALAYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT,

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5. THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.V.KANNAN Advocate SR.No.20584

ORDER
IN
CRL OP(MD) No.19319 of 2018
Date : 30/10/2018

msa
AE/PN/SAR3/30.10.2018/3P/8C