



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

Monday, the Sixth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.13807 of 2018

SAMAYAKANNAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO.369 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK, 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 :-

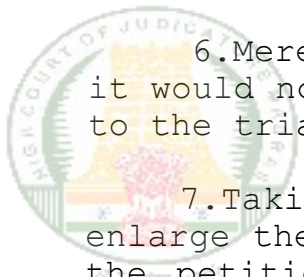
The petitioner is in judicial custody since 24.07.2018 for the offences punishable under Sections 379, 307 I.P.C and Sections 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.369 of 2018, on the file of the respondent police. He seeks bail.

2. Heard the learned counsel appearing for the petitioner.

3.The case of the prosecution is that on 23.07.2018, 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 tractor and trailer Bearing Registration No.TN-63-J-1303. Hence, the respondent police registered a case.

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

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.5,000/- (Rupees five 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.5,000/- (Rupees five 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 No.I, Sivagangai.

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

sd/-
06/08/2018

/ 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-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, SIVAGANGAI.
4. THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.15153

ORDER
IN
CRL OP(MD) No.13807 of 2018
Date :06/08/2018

MS/PN/SAR-1/06.08.2018/2P.8C