



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

Tuesday, the Thirtieth day of October Two Thousand Eighteen

PRESENT

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

**CRL OP(MD) No.19363 of 2018**

R. PRAKASH, ... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
KALLAPERAMBUR POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.102 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.SENTHIL MURUGAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI  
Government 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 11.10.2018 for the offences punishable under Section 379 I.P.C and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.102 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 11.10.2018, when the respondent police was conducting usual checkup, at that time, he came to know that the accused person has illegally transported the river sand by using the vehicle bearing Registration No.TN-49 AA 2529. Hence, the case has been registered.

3.Heard the learned counsel appearing for the petitioner.

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.II, Thanjavur.

(iii) the petitioner 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.II  
THANJAVUR.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,  
KALLAPERAMBUR POLICE STATION.,  
THANJAVUR DISTRICT.

4. THE OFFICER INCHARGE,  
SUB JAIL, PAPANASAM, THAJAVUR DISTRICT.



5. THE OFFICER IN CHARGE,  
DISTRICT MINERAL FOUNDATION TRUST,  
THANJAVUR DISTRICT.

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

+1. CC to MR.SENTHIL MURUGAN Advocate SR.No.20674

ORDER

IN

CRL OP (MD) No.19363 of 2018

Date :30/10/2018

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