



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

Thursday, the Ninth day of August Two Thousand Eighteen

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PRESENT

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

CRL OP (MD) No.14094 of 2018

SEKAR

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION,
THENI DISTRICT.
Crime No. 123 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.S.DEENADHAYALAN 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 10.07.2018 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.123 of 2018, on the file of the respondent police. He seeks bail.

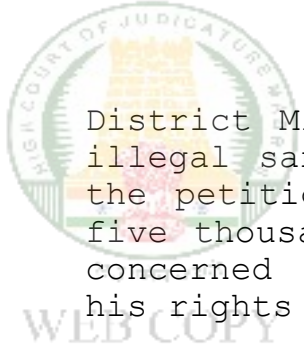
2.The case of the prosecution is that on 09.07.2018, the respondent police while conducting the vehicle check up, at that time, the petitioner had transported the river sand illegally by using the tractor bearing Registration No.TN-28-AB-9666. Hence, the respondent police registered a case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. He has been falsely implicated in this case. Hence, he prays for bail to 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. He further submits that one previous case is pending against the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

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, Periyakulam.

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

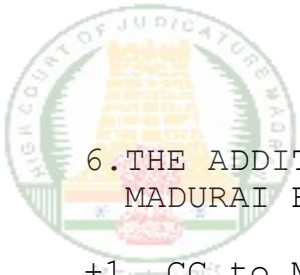
sd/-
09/08/2018

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

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM.
2. THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION, THENI DISTRICT.
4. THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST, THENI DISTRICT.
5. OFFICER INCHARGE, SUB JAIL, PERIYAKULAM.



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

+1. CC to Mr. S. DEENADHAYALAN Advocate SR.No.15275

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ORDER

IN

CRL OP (MD) No.14094 of 2018

Date : 09/08/2018

TK/PN/SAR.1/09.08.2018/3P-8C