



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

Friday, the Twenty Fourth day of August Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.15056 of 2018

POOSARI

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE
GANGAI KONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No.93 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK Advocate

For Respondent : Mr.V.NEELAKANDAN Additional Public Prosecutor

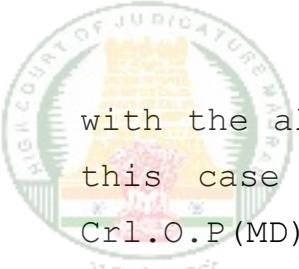
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 06.08.2018 for the offence punishable under Sections 294(b), 353, 307, 379 of IPC(Sand theft) and Section 21(4) of Mines and Minerals (Development and Regulation) Act, in Crime No.93 of 2018 on the file of the respondent police. He Seeks bail.

2. The case of the prosecution is that on 04.06.2018 when the respondent police was conducting usual check up they found the accused persons numbering 9 illegally transporting sand by using lorry. The defacto complainant stopped the lorry. But, however without stopping the lorry they proceeded further and attempted to attack the respondent.

3. The learned counsel for the petitioner would submit that the petitioner is A6 and he is only load man and he has nothing to do



with the alleged offence He would further submit that co-accused in this case have been granted anticipatory bail by this Court in CrI.O.P(MD)No.11046 of 2018 dated 05.07.2018. Hence, he prays for grant of bail to the petitioner.

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4. The learned Additional Public Prosecutor would submit that the petitioner is a load man and three units of sand was seized 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.15,000/- (Rupees Fifteen 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. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner is 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 his rights and contentions before the trial court.

(ii) 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



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

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/ TRUE COPY /

sd/-
24/08/2018

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

TO

- 1.THE JUDICIAL MAGISTRATE NO III, TIRUNELVELI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE
GANGAI KONDAN POLICE STATION,TIRUNELVELI DISTRICT.
- 4.THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST
TIRUNELVELI DISTRICT.
- 5.THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.16120

ORDER
IN
CRL OP(MD) No.15056 of 2018
Date :24/08/2018

TK/VR-MMS/SAR.1/24.08.2018/3P-8C