



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.22945 of 2018

CHELLADURAI,

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.218/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.ARUN PRASAD Advocate

For Respondent : MR.A.ROBINSON,
Government Advocate(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is remanded to judicial custody on 26.11.2018 in Crime No.218 of 2018 on the file of the respondent police for the offences punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and he seeks bail.

2. The case of the prosecution is that on 26.11.2018, the petitioner along with other accused committed theft of sand in the place of Saayalkudi Aerikarai. During vehicle check-up by the respondent police, they found that the petitioner unlawfully quarried sand and transported the same without any valid permit.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] for the respondent State.

4. According to the petitioner, he has not committed any offence as alleged by the prosecution and with a motive to wreck vengeance, a false case has been registered against him.

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

5. The learned Government Advocate [Criminal Side] opposed the



grant of bail by stating that the petitioner illegally transported 2 units of sand.

6. At this juncture, the learned counsel appearing for the petitioner submits that the petitioner will make payment of Rs.15,000/- to show his bonafide.

7. Considering the facts and circumstances of the case, 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 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 District Munsif Cum Judicial Magistrate Court, Thiruvaiyaru;

(ii) the petitioner shall make a non refundable deposit of **Rs.15,000/- (Rupees Fifteen thousand only)** to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and thereafter, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner. It is made clear that the bonafide offer made by the petitioner to deposit the amount would not amount to admitting the guilt and

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

sd/-
27/12/2018

/ TRUE COPY /

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVAIYARU.

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

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

4. THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.



5. THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THANJAVUR.

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

+1. CC to MR.A.ARUN PRASAD Advocate SR.No.24059

ORDER

IN

CRL OP (MD) No.22945 of 2018

Date :27/12/2018

STS/CP

AE/VR/SAR1/27.12.2018/3P/8C