



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

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15213 of 2018

PARAMASIVAN

... PETITIONER / ACCUSED NO.7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
IN CRIME NO.55 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.R.DURAI RAJ, Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

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

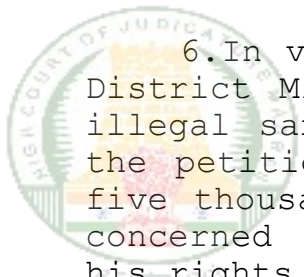
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 25.07.2018 for the offences punishable under Section 379 I.P.C and Section 3 of TNPPDL Act, in Crime No.55 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that when the defacto complainant was conducting usual checkup, at that time, he came to know that the petitioner and other accused persons had illegally transported the river sand. Hence, the case has been registered.

4.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the respondent police. The petitioner is an agricultural coolie and no way connected with the alleged occurrence. In order to incriminate the petitioner, the respondent police implicated the petitioner. The co-accused already released on bail by this Court in CrI.O.P(MD). No.15363 of 2018, dated 29.08.2018. He further submitted that the petitioner is in incarceration from 25.07.2018 onwards. Hence, he prays for bail.

5.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 submitted that there are 8 previous cases are pending against the petitioner and the investigation is pending.



6. 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.

WEB COPY

7. 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.

8. 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, Srivaikundam.

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

sd/-

06/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT JAIL, PERURANI.
4. THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TUTICORIN DISTRICT.

+1. CC to Mr.S.R.DURAI RAJ Advocate SR.No.17083

ORDER IN

CRL OP(MD) No.15213 of 2018

Date :06/09/2018