



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

Wednesday, the Twenty Ninth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15343 of 2018

MUTHU KUMAR

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.188/2018

... 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.

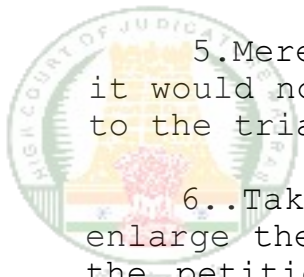
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 10.08.2018 for the offences punishable under Sections 294(b), 379, 353, 307 and 506(ii) IPC and Section 3 of TNPP(D&L) Act, in Crime No.188 of 2018 on the file of the respondent police. He seeks bail.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondent.

3.The case of the prosecution is that on 10.08.2018, when the defacto complainant was conducting usual checkup, at that time, he came to know that the accused persons were illegally trying to transport river sand in a 407 Mini-Lorry. When the defacto complainant intercepted, the accused persons proceeded the lorry without stopping. Hence, the respondent police registered a case. The petitioner herein is the owner of the vehicle.

4.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.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to her rights and contentions before the trial Court.



5. Merely, because the petitioner has deposited the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.. 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.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to her 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/-
29/08/2018

/ 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.

+1. CC to Mr.M.S.JEYAKARTHIK Advocate SR.No.16429

ORDER IN
CRL OP(MD) No.15343 of 2018
Date :29/08/2018