



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.15351 of 2018

MUNEESWARI

... PETITIONER / ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.108 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.JEGADEESH PANDIAN, 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 :-

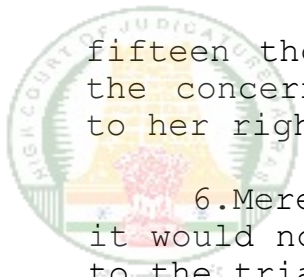
The petitioner is in judicial custody since 16.08.2018 for the offences punishable under Sections 379, 21(1) Mines and Minerals (Development and Regulation) Act, 1957, Section 3 of TNPPDL Act and 379 of IPC, in Crime No.108 of 2018 on the file of the respondent police. He seeks bail.

2. Heard the learned counsel appearing for the petitioner.

3.The case of the prosecution is that on 16.08.2018, when the defacto complainant was conducting usual checkup, at that time, he came to know that two accused persons were illegally trying to transport river sand in a Lorry bearing registration No.TN-58-J-6784. Hence, the respondent police registered a case. The petitioner herein is the owner of the vehicle.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is three unit and the same was recovered by the respondent police. Further he submitted that the petitioner is having two previous cases.

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 her rights and contentions before the trial Court.

6. 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.

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.15,000/- (Rupees fifteen 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, Manamadurai, Sivagangai District.

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

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, MANAMADURAI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE, WOAN PRISON,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE,
THIRUPACHETHI POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1. CC to Mr.M.JEGADEESH PANDIAN Advocate SR.No.16447

ORDER IN
CRL OP(MD) No.15351 of 2018
Date :29/08/2018