



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

Thursday, the Thirtieth day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15444 of 2018

RAMKUMAR

... PETITIONER /2nd ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMNAD DISTRICT.
CRIME NO.118 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.VENKATESH Advocate

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

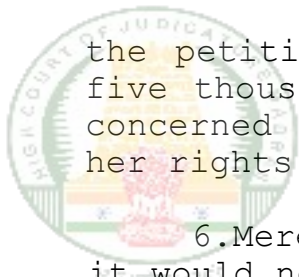
The petitioner is in judicial custody since 29.07.2018 for the offences punishable under Sections 341, 353, 332, 379 and 307 of IPC and Section 3(1) of the TNPPDL Act and Section 21(1) of Mines and Minerals (Development and Regulations) Act, in Crime No.118 of 2018 on the file of the respondent police. He seeks bail.

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

3.The case of the prosecution is that on 28.07.2018, when the defacto complainant was conducting usual checkup, he found that the accused persons were illegally trying to transport sand from the Kanmoi in a Tractor and Trailer. When they were intercepted, the petitioner herein is said to have damaged the Government vehicle which was assessed Rs.2,000/-.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioner is arraigned as A2 in this case and A1 and A3 were absconding.

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.5,000/- (Rupees five 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.5,000/- (Rupees five 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, Mudukulathur.

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

sd/-
30/08/2018

/ TRUE COPY /

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

TO

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

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

+1. CC to MR.D.VENKATESH Advocate SR.No.16522

ORDER IN
CRL OP(MD) No.15444 of 2018
Date :30/08/2018