



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.15459 of 2018

1 DHANASEKARAN
2 SARAVANAKUMAR

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUPAVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.273 OF 2018

... RESPONDENT/ RESPONDENT

For Petitioners: Mr.V.RAMESH, 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 :-

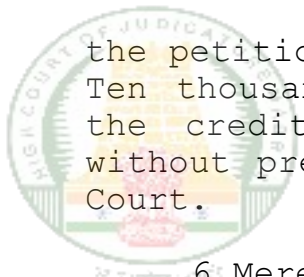
The petitioners are in judicial custody since 19.08.2018 for the offences punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.273 of 2018 on the file of the respondent police. They seek bail.

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

3.The case of the prosecution is that on 19.08.2018, when the defacto complainant and his team were conducting usual checkup, he found that the accused persons were illegally trying to transport sand excavated from a patta land in survey No.18/3 A1 and tried to transport the same by a lorry bearing registration No.TN59 E 5535. There are four accused in this case. The petitioners are arraigned as A1 and A2.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is two and a half units and the same was recovered by the respondent police.

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 petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) (Rs.5,000/- each) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) (Rs.5,000/- each) 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 petitioners 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 petitioners shall appear before the respondent police as and when required for interrogation.

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, MANAMADURAI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI DISTRICT.
4. THE INSPECTOR OF POLICE,
THIRUPAVANAM POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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

+1. CC to MR.V.RAMESH Advocate SR.No.16500

ORDER IN
CRL OP(MD) No.15459 of 2018
Date : 30/08/2018