



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

Friday, the Seventh day of September Two Thousand Eighteen

PRESENT

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

CRL OP (MD) No.16066 of 2018

1.RAJA @ RAJENDRAN
2.SEENIVASAN
3.VARADHARAJ

... PETITIONERS / ACCUSED
1 TO 3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT
Crime No.32 of 2018

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.S.PUGALENDHI 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 petitioners are in judicial custody since 30.08.2018 for the offences punishable under Sections 294(b), 506(ii), 307, 379, 353 I.P.C and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.32 of 2018, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that when the defacto complainant was conducting usual checkup, at that time, the petitioners loaded the river sand in the tractor without valid permission. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant and also attempted to kill the defacto complainant. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents. They did not commit any offence as alleged by the prosecution. They have been falsely implicated in this case. The petitioners are in incarceration from 30.08.2018 onwards. Hence, he prays for bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the quantity of sand involved is one unit and the investigation is pending.

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 jointly 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 their rights and contentions before the trial Court.

6.Merely, because the petitioners had 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 jointly 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 their 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) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Trichy.

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

sd/-
07/09/2018

/ TRUE COPY /

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

TO



2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
INAMKULATHUR POLICE STATION,
TRICHY DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5. THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

6. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.PUGALENDHI Advocate SR.No.17122

ORDER
IN
CRL OP(MD) No.16066 of 2018
Date :07/09/2018

TK/MMS/SAR.2/07.09.2018/3P-8C