



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

Monday, the Twenty Fourth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.16229 of 2018

1 BOOPATHI @ MURUGA BOOBATHI

2 ANBU ANANDH

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

POOVANTHI POLICE STATION,

SIVAGANGAI DISTRICT

(CR NO.119/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.NATARAJAN 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 :-

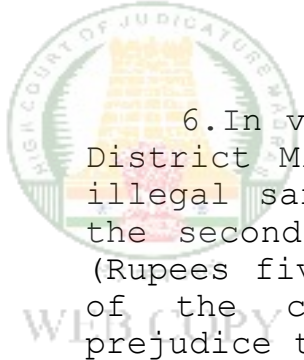
The petitioners are in judicial custody since 02.09.2018 for the offences punishable under Sections 353, 307, 379 I.P.C and Section 21(1) of Mines and Minerals (Development & Regulation Act) in Crime No.119 of 2018. They seek bail.

2.The case of the prosecution is that on 02.09.2018, when the defacto complainant was conducting usual checkup, at that time, he came to know that the accused persons were illegally trying to transport the river sand by using TATA 207 Vehicle. Hence, the respondent police registered a case.

3. Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the quantity of sand involved is one unit. The first petitioner was detained under Goondas Act and there is no previous case is pending against the second petitioner.

5. Since the first petitioner is detained under Goondas Act, this Criminal original petition is dismissed, as far as the first petitioner is concerned.



6. 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 second 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 his rights and contentions before the trial Court.

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

8. Taking note of all these aspects, this Court is inclined to enlarge the second petitioner on bail with certain conditions. Accordingly, the second petitioner is ordered to be released on bail, subject to the following conditions;

(i) second 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 his rights and contentions before the trial Court.

(ii) On such deposit, the second 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 No.II, Sivagangai.

(iii) the second petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

sd/-

24/09/2018

/ TRUE COPY /

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

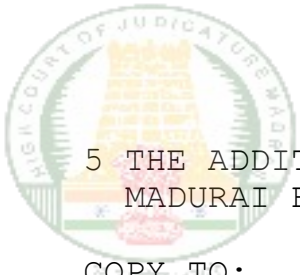
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE
POOVANTHI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.



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

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
SIVAGANGAI DISTRICT.

+1. CC to M/S.M.NATARAJAN Advocate SR.No.18075

ORDER

IN

CRL OP (MD) No.16229 of 2018

Date :24/09/2018

JM/VR MMS/SAR 1/24.09.2018/3P/8C