



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

Wednesday, the Twelfth day of September Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.16372 of 2018

BALAMURUGAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
ELAYANKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.211/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.R.PRITHIVIRAJ Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

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

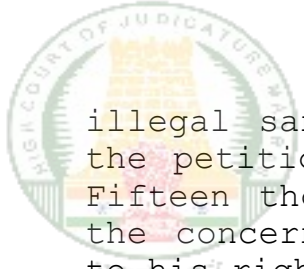
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 25.08.2018 for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act and Section 3 of Tamilnadu Public Property (Prevention of Damage and Loss) Act, in Crime No.211 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 2.07.2018, when the defacto complainant was conducting usual checkup, at that time, he came to know that the accused person was illegally trying to transport the river sand by using tractor. Hence, the respondent police registered a case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand was recovered by the respondent police.



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 his rights and contentions before the trial Court.

6. Merely, because the 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.

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 his 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, Elayankudi.

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

sd/-

12/09/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ELAYANKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

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

4 THE OFFICER INCHARGE
SIVAGANGAI SUB JAIL,
SIVAGANGAI.



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

+1. CC to M/S.P.R.PRITHIVIRAJ Advocate SR.No.17425
PS/MMS/AR-1:12/09/2018:3P/8C

ORDER
IN
CRL OP (MD) No.16372 of 2018
Date :12/09/2018