



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

Thursday, the Twentieth day of September Two Thousand and Eighteen

PRESENT

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

CRL OP(MD) No.16741 of 2018

T. REJIN

... PETITIONER / ACCUSED NO.2

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.371 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.MUTHUSARAVANAN, 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 01.09.2018 for the offence punishable under Section 379 I.P.C and Section 21 of Mines and Minerals (Development & Regulation) Act, in Crime No.371 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 01.09.2018 at about 12.00 p.m when the respondent was on surveillance near Thikkurichi Junction intercepted and searched the vehicle bearing Registration No.TN-74-AK-8374 a Tipper Tempo, driven by the petitioner found river sand which was transported without any valid license. Hence, the respondent police registered a case.

2. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is one unit 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 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.

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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.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 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.I, Kuzhithurai, Kanyakumari District.

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

sd/-

20/09/2018

/ TRUE COPY /

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

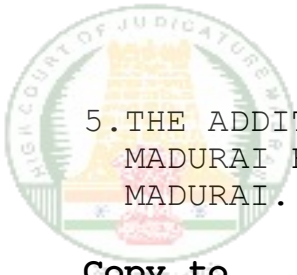
TO

1. THE JUDICIAL MAGISTRATE NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3. THE OFFICER INCHARGE,
SUB JAIL,
KUZHITHURAI,
KANYAKUMARI DISTRICT.

4. THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.



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

Copy to

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

+1. CC to M/S.C.MUTHUSARAVANAN, Advocate, SR.No.17944.

ORDER
IN
CRL OP(MD) No.16741 of 2018
Date :20/09/2018

RAM/VR MMS/SAR 4/20.09.2018/3P/8C