



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

Friday, the Twenty Eighth day of September Two Thousand and Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17119 of 2018

SHANMUGAM

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REPRESENTED BY ITS,
THE INSPECTOR OF POLICE,
SIVANTHIPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.149/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK, Advocate.

For Respondent : Mrs.M.ANANTHA DEVI, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

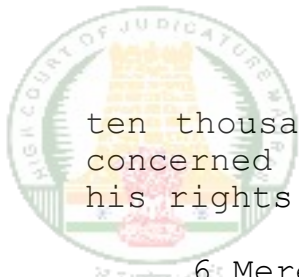
The petitioner is in judicial custody since 05.09.2018 for the offences punishable under Sections 294 (b), 307, 353 and 379 IPC in Crime No.149 of 2018, on the file of the respondent police. He seeks bail.

2. Heard the learned counsel appearing for the petitioner.

3.The case of the prosecution is that on 05.09.2018, when the de facto 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 and trailer Bearing Registration No.TN-74-T-0164. Hence, the respondent police registered a case.

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.10,000/- (Rupees



ten 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.10,000/- (Rupees ten 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.III, Tirunelveli.

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

sd/-

28/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
SIVANTHIPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

**COPY TO :**

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI.

WEB COPY

+1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.18586.

ORDER

IN

CRL OP (MD) No.17119 of 2018

Date :28/09/2018

RAM/VR MMS/SAR 1/28.09.2018/3P/8C