



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

Thursday, the Twenty Seventh day of September Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.17265 of 2018

1.GOMATHIPANDIAN @ GOBI

2.MARUTHUPANDI @ SEKAR ... PETITIONERS / ACCUSED NOS.1 & 2

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.281 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.C.SARAVANAKUMAR, Advocate.

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

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

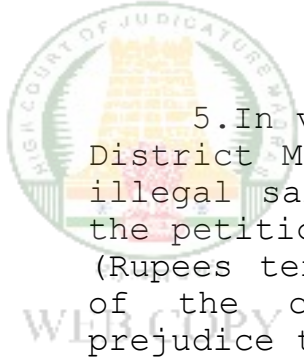
ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to judicial custody since 30.08.2018 for the offences punishable under Sections 294(b), 353, 307 and 379 (Sand Theft) of I.P.C., in crime No.281 of 2018, on the file of the respondent police seek bail.

2.The case of the prosecution is that during the vehicle check up, the respondent police found that the petitioners and other illegally transported the river sand in their two tractors and when the defacto complainant intercepted the accused, they abused the police party with filthy language and also they attempted to hit the defacto complainant with their vehicles and hence, the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is 1/4 unit and the same was recovered. He further submitted that there are no previous is pending against the petitioners.



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 deposit jointly 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 have 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. Considering the facts and circumstances of the case, 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) the petitioners shall 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 and on such deposit, they 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, Tenkasi;

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

sd/-

27/09/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
TENKASI,
TIRUNELVELI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI.

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

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

**COPY TO**

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI.

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+1. CC to M/S.C.SARAVANAKUMAR Advocate SR.No.18444.

ORDER

IN

CRL OP (MD) No.17265 of 2018

Date :27/09/2018

RAM/VR MMS/SAR 3/27.09.2018/3P/8C