



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

Friday, the Twelfth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17461 of 2018

R.KALEESWARAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI-630610.
(CR.NO.127 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.KARUNANIDHI 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 12.10.2018 for the offences under Sections 353, 379, 307 I.P.C. and Section 3 of Tamil Nadu Property (Prevention of Damage & Loss) Act, 1992 and Section 21 (1) Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.127 of 2018, on the file of the respondent Police. He seeks bail.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3.The case of the prosecution is that on 13.09.2018, 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 kanmai sand by using lorry bearing Registration No.TN-48-K-5496. Hence, the respondent police registered a case.

4.The learned counsel appearing for the petitioner would submit that the petitioner's sister-in-law viz., S.Chinnamari, filed a Writ Petition before this Court regarding the issue of illegal sand



quarrying. Subsequently, in order to wreak vengeance, this false case has been foisted against the petitioner herein.

5. The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is two units and the same was recovered by the respondent police.

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 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.

7. 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.

8. 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, Manamadurai.

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

sd/-

12/10/2018

/ TRUE COPY /

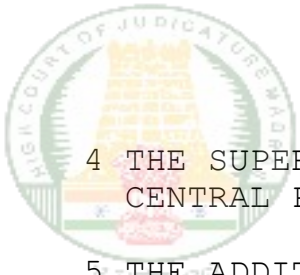
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

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

3 THE INSPECTOR OF POLICE,
THIRUPPACHELHI POLICE STATION,
SIVAGANGAI-630610.



4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.R.KARUNANIDHI Advocate SR.No.19563

COPY TO:

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

ORDER

IN

CRL OP (MD) No.17461 of 2018

Date :12/10/2018

JM/PN/SAR 2/12.10.2018/2P/8C