



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

Monday, the First day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17497 of 2018

PERIASAMY

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT,
(CR NO. 336/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SATHYA CHIDAMBARAM 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 15.09.2018 for the offences punishable under Sections 294(b), 353, 307, 506(ii) and 379 IP.C in Crime No.336 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 15.09.2018, the petitioner had illegally transported the river sand without valid permission. When the police party intercepted him, the petitioner threatened the police party with dire consequences. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent. He did not commit any offence as alleged by the prosecution. He further submitted that the petitioner is in incarceration from 15.09.2018 onwards. Hence, he prays for bail.

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

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.III, Tirunelveli.

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

sd/-
01/10/2018

/ 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 INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No. 18662

ORDER
IN
CRL OP(MD) No.17497 of 2018
Date :01/10/2018

JM/MMS/SAR 3/01.10.2018/3P/8C