



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

Wednesday, the Third day of October Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.17630 of 2018

1 PANDIYARAJAN
2 PERIYASAMY

... PETITIONERS/ ACCUSED NO. 1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.217 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.V.KARUNA 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 :-

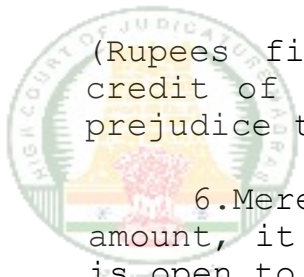
The petitioners are in judicial custody since 21.09.2018 for the offences punishable under Sections 147, 148, 294(b), 323, 353, 307, 379 of I.P.C and Sections 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.217 of 2018, on the file of the respondent police. They seek bail.

2.The case of the prosecution is that on 20.09.2018, when the defacto complainant was conducting usual checkup, at that time, the petitioners had illegally transported the river sand by using lorry Bearing Registration No.TN-55-M-5729. Hence, the respondent police registered a case.

3. Heard the learned counsel appearing for the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is 2-½ units and the same was recovered by the respondent police. He would further submit that the first petitioner is having one previous case and the second petitioner is having no previous case.

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.15,000/-



(Rupees fifteen 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 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. Taking note of all these aspects, 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) petitioners are directed to deposit jointly a sum of Rs.15,000/- (Rupees fifteen 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 petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi, Sivagangai District.

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

sd/-
03/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, KARAIKUDI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION, SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, SIVAGANGAI.
+1. CC to Mr.V.KARUNA Advocate SR.No.18657

ORDER IN
CRL OP(MD) No.17630 of 2018
Date :03/10/2018