



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

Friday, the Fifth day of October Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.17802 of 2018

AATHI SELVAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
LALKUDI POLICE STATION,
TRICHY DISTRICT.
(CR NO.433 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.SELVAM 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 18.09.2018 for the offence punishable under Sections 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.433 of 2018 on the file of the respondent police. He Seeks bail.

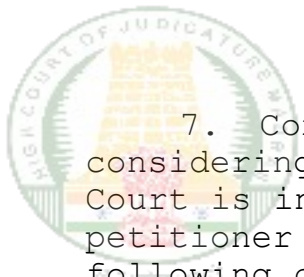
2. The case of the prosecution is that the petitioner had illegally transported two gunny bags of sand.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that two gunny bags of sand was seized 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.1,000/- (Rupees One 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. Considering the above facts and circumstances and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

- (i) the petitioner is directed to deposit a sum of Rs.1,000/- (Rupees One 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) 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, Lalkudi.
- (iii) the petitioner shall appear before the respondent police as and when required for interrogation.

sd/-

05/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
LALKUDI.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE,
LALKUDI POLICE STATION, TRICHY DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, LALKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SELVAM Advocate SR.No.18929

COPY TO:

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

ORDER

IN

CRL OP (MD) No.17802 of 2018

Date : 05/10/2018

JM/PN/SAR 4/05.10.2018/2P/8C