



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

Friday, the Fifth day of October Two Thousand Eighteen
PRESENT

WEB COPY

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.17777 of 2018

1 GOVINDARASU
2 ILAYARAJA

... PETITIONERS / ACCUSED NO.1 @ 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION,
TRICHY DISTRICT.
(CRIME.NO. 112 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.SIVABALAN 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 :-

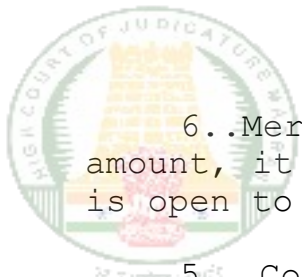
The petitioners are in judicial custody since 20.09.2018 for the offence punishable under Sections 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.112 of 2018 on the file of the respondent police. They seek bail.

2. The case of the prosecution is that the petitioners had illegally transported two units of sand.

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

4. The learned Additional Public Prosecutor would submit that two units 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 petitioners are 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 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.

5. Considering the above facts and circumstances and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i)the petitioners are 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 their rights and contentions before the trial court.

(ii)the petitioners 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.IV, Trichy

(iii) the petitioners 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 NO-IV, TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE,TRICHY.

3 THE INSPECTOR OF POLICE,
MANIKANDAM POLICE STATION, TRICHY DISTRICT

4 THE SUPERINTENDENT,CENTRAL PRISON,TRICHY.

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

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

+1. CC to M/S.K.SIVABALAN Advocate SR.No.18932
PS/PN/SAR-4:05/10/2018:2P/8C

ORDER

IN

CRL OP (MD) No.17777 of 2018

Date :05/10/2018