



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17764 of 2018

ABINESH

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
(CR.NO.203 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.JEGADEESWARAN 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, who was arrested and remanded to judicial custody since 20.09.2018 for the offences punishable under Sections 379 of I.P.C. and Section 4 of TNPPDL Act and Section 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No.203 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 20.09.2018, the petitioner along with other accused has involved in sand theft and when the respondent police caught hold them and on enquiry, they replied that they were doing sand sale illegally. Hence, a case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the crime and he is incarceration from 20.09.2018.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that no previous case is pending against the petitioner.

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 the facts and circumstances, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner shall 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 and on such deposit, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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, Palani;

(ii) the petitioner shall appear before the respondent police as and when required for interrogation.

sd/-

09/10/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.R.JEGADEESWARAN Advocate SR.No. 19140

COPY TO:

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

ORDER

IN

CRL OP(MD) No.17764 of 2018

Date : 09/10/2018