



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

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.17981 of 2018

1 GANAPATHY
2 MANIVANNAN
3 NETHAJI
4 SELLADURAI

... PETITIONERS/ ACCUSED 1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.163/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.T.DHANDAPANI 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 :-

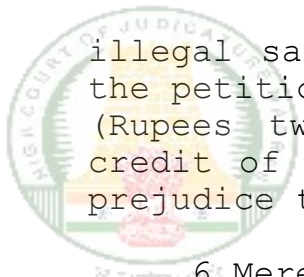
The petitioners/A1 to A4, who were arrested and remanded to judicial custody since 25.09.2018 for the offences punishable under Sections 379 of I.P.C. read with 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No.163 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.09.2018, the petitioners have involved in sand theft using two lorries bearing Registration Nos.TDR 7659 and TN 65 6969 and they were found in possession of 2 units of sand. Hence, a case has been registered.

3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and the vehicles were engaged in transporting of waste materials and they are no way connected with the crime and they are incarceration from 25.09.2018.

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

<https://hcservices.ecourts.gov.in/hcservices/>
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.20,000/- (Rupees twenty 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 their 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 petitioners on bail with certain conditions. Accordingly, the petitioners shall deposit a sum of Rs.20,000/- (Rupees twenty thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, the petitioners are ordered to be released on bail, subject to the following conditions;

(i) each of 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, Lalgudi;

(ii) the petitioners 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, LALGUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, LALGUDI.
4. THE INSPECTOR OF POLICE,
KALLAKUDI POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1. CC to Mr.T.DHANDAPANI Advocate SR.No.19147

ORDER IN
CRL OP(MD) No.17981 of 2018
Date : 09/10/2018