



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.18028 of 2018

PALANI

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THUVAKUDI POLICE STATION,
TRICHY DISTRICT.
(CR NO.157 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUMALAI RAJA 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 25.09.2018 for the offences punishable under Sections 379 of I.P.C. read with 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in crime No.157 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.09.2018, the petitioner has involved in sand theft by using TATA ACE bearing Registration No.TN 32 T 2598 and the accused found in possession of 1/2 unit of sand. 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 25.09.2018.

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 petitioners are directed to deposit jointly 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 their 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 No.VI, Trichy;

(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 NO.VI,
TRICHY.
- 2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE
THUVAKUDI POLICE STATION, TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.J.YESU SUBANANTH, Advocate SR.No.19144

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

ORDER
IN
CRL OP(MD) No.18028 of 2018
Date :09/10/2018