



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

Friday, the Twelfth day of October Two Thousand and Eighteen

WEB COPY

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

CRL OP(MD) No.18338 of 2018

BALRAJ

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.387/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.GOKUL, 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 28.09.2018 for the offences punishable under Sections 379 I.P.C. r/w 21(1), 21(2), 21(4) of Tamil Nadu Mines and Minerals Act, 1957 in Crime No.387 of 2018, on the file of the respondent police. He seeks bail.

2. Heard the learned counsel appearing for the petitioner.

3.The case of the prosecution is that on 28.09.2018, the accused person was illegally trying to transport the river sand by using vehicle. Hence, the respondent police registered a case.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the quantity of sand involved is half unit and the same was recovered 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.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 all these aspects, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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.

(ii) On such deposit, 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, Aranthangi.

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

sd/-

12/10/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI,
PUDUKKOTTAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.

3. THE OFFICER INCHARGE,
SUB JAIL, ARANTHANGI.

4. THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, PUDUKKOTTAI.

+1. CC to Mr.K.GOKUL, Advocate, SR.No.19585.

ORDER

IN

CRL OP(MD) No.18338 of 2018

Date : 12/10/2018