



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20 of 2019

1.SHANKAR
2.MARILINGAM

... PETITIONERS / ACCUSED
No.2 and 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SAYALGUDI POLICE STATION,
RAMANATHAPURAM DISTRICT
Crime No.205/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.C.T.PERUMAL Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

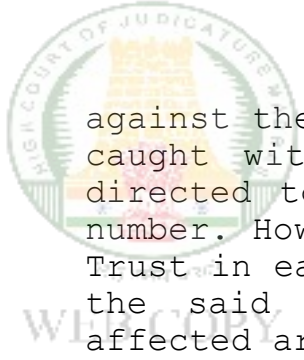
ORDER : The Court Made the following order :-

The petitioners are in judicial custody since 14.12.2018 for the offences punishable under Sections 379, 332, 307 of IPC and Section 21(1) of Mines and Mineral (Development and Regulation) Act in Crime No.205 of 2018 on the file of the respondent police and seeks bail.

2.The case of the prosecution is that the petitioners along with others had illegally transported one unit of river sand without the permission of the authority and also the petitioners attacked the Tahsildhar, who enquired about the act of them.

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.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that the identity of the accused came to be known during investigation and there is are no previous case pending



against the petitioners. He further submitted that if the persons is caught with illegal sand in the mining area, they have to be directed to deposit the conditional amount to the credit of Crime number. However, in view of formation of District Mineral Foundation Trust in each district, the amount may be deposited to the credit of the said Trust for rehabilitation in the illegal sand mining affected areas.

5. In view of the rehabilitation undertaken by the State Government under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities and also considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners are directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions.

6. Considering the facts and circumstances of the case and considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall make a non refundable deposit of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and thereafter, the learned Judicial Magistrate shall admit the sureties furnished by the petitioner;

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
04/01/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.
 2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
SAYALGUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 4. THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.
 5. THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.C.T.PERUMAL Advocate SR.No.180

ORDER
IN
CRL OP(MD) No.20 of 2019
Date :04/01/2019

TK/VR/SAR-3/04.01.2019/3P/8C