



CRL OP(MD). No.37 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Mayildoss,

... Petitioner/Sole Accused

Vs

**The Inspector of Police,
Ammappatti Police Station,
Thanjavur District.
Crime No.986 of 2023..**

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.986 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / sole accused, who was arrested and remanded to judicial custody

on 18.12.2023 for the offence punishable under Section 379 of I.P.C. r/w Section 21(1)

<https://www.mhc.tn.gov.in/judis>



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of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.986 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 18.12.2023, when the respondent Police along with his Police Personnel were in patrol duty, they found that $\frac{1}{4}$ unit of river sand has been illegally transported by the petitioner in his bullock cart. Hence the above case has been registered against him.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and prayed for bail. However, on instructions, he would further submit that the petitioner is ready to deposit any amount to the District Mineral Foundation Trust without prejudice to his rights.

4. The learned Additional Public Prosecutor appearing for the respondent-Police would submit that the petitioner has illegally transported $\frac{1}{4}$ unit of sand in his bullock cart and the investigation is now pending.

5. Heard the learned counsel on either side.

6. 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 petitioner, this Court is of the opinion that the petitioner shall be



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directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Trust for rehabilitation works.

7. It is made clear that the deposit of the amount by the petitioner to the Trust would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

8. Considering the facts and circumstances of the case, this court is inclined to grant bail to the petitioner, subject to the following conditions:

9. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Papanasam and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(b)the petitioner shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(c).the petitioner is directed to appear before the respondent Police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

/ TRUE COPY /

03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE JUDICIAL MAGISTRATE,
PAPANASAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT @ KUMBAKONAM.
- 3 THE OFFICER INCHARGE
SUB JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE
AMMAPATTI POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO
THE CHAIRMAN
DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST ,
THANJAVUR DISTRICT.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-94[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.37 of 2024
Date :03/01/2024

PKP/SAR- /03.01.2024/ 6P/ 8C

Madurai Bench of Madras High Court is issuing certified
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