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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.27384 of 2018

P.Elumalai

...Petitioner

Versus

State

Rep. by the Inspector of Police,
Pathirivedu Police Station,
Tiruvallur District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the condition imposed in Crl.M.P.No.5820 of 2018 dated 12.11.2018 on the file of the Principal District and Sessions Court at Tiruvallur by allowing the present Criminal Original Petition and thereby render justice.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed for seeking to set aside the condition imposed by the Court below in Crl.M.P.No.5820 of 2018, dated 12.11.2018, wherein, the petitioner has been directed to deposit a sum of Rs.40,000/- (Rupees forty thousand only) before the Court below, in a Anticipatory Bail filed by the petitioner.

2.The learned counsel for the petitioner would submit that the condition imposed by the Court below is onerous and such cash deposit should not be insisted as a condition for the purpose of releasing a person on bail.

3.The learned Additional Public Prosecutor would submit that the F.I.R has been registered against the petitioner for an offence under Sections 379, 430 of the Indian Penal Code read with 21(i) MMDR Act in Crime No.433 of 2018. The learned counsel would further submit that even this Court while granting the bail directs the accused persons to deposit a sum of Rs.5,000



(Rupees five thousand only) for each unit of sand, before the concerned District Mineral Foundation Trust. This Court after taking into consideration, the environmental impact due to Sand mining, is imposing such stringent condition, in order to ensure that such offenses are not committed in future.

4.This Court has carefully considered the submissions made on either side. In all cases involving Sand Mining, this Court imposes very stringent conditions, taking into account the impact on the environment. A Division Bench of this Court has gone to the extent of saying that the vehicle seized by the police should not be released except in accordance with the concerned legislation dealing with mining. Such stringent conditions are required in order to ensure that these offenses are not committed in a routine manner.

5.Taking into consideration, the facts and circumstances of the case, the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) (6 units X Rs.5,000/-) to the concerned District Mineral Foundation Trust. The condition imposed by the Court below to that extent is modified. The other condition imposed by the Court below shall stand as it is. The deposit shall be made within a period of two weeks from the date of receipt of a copy of this order.

6. This Criminal Original Petition is disposed of by modifying the order of the Court below to the extent indicated herein above.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vv2/rpl

To

1.The Inspector of Police,
Pathirivedu Police Station,
Tiruvallur District.



2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Jayaprakash, Advocate sr.no.80701

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