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

Wednesday, the Twelfth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21973 of 2018

1 CHELLAPRABU @ PRABHU
2 NAGARAJ
3 SIVAKUMAR
4 SENTHILKUMAR
5 NARAYANASAMY
6 ANANDAKUMAR ... PETITIONERS/ ACCUSED No.1 to 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT.
Crime No.431/2018 ... RESPONDENT / COMPLAINANT

For Petitioners : Mr.B.JANATH AHMED ALIAS Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor
'

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused 1 to 6 apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 353, 379, 506(ii) IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.431 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had illegally transported two units of sand.

3.The learned counsel for the petitioners submitted that the petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) appearing for the State submitted that there are no previous case pending against the petitioners. He further submitted that if the persons is caught with

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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 each of the petitioners are directed to make a non refundable deposit of Rs.2,000/-(Rupees Two thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions.

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

7.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy on condition that the petitioners shall execute 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 Magistrate concerned and on further condition that:

(i) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall make a non refundable deposit of Rs.12,000/- (Rupees Twelve 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;

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
12/12/2018

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

TO

1.THE JUDICIAL MAGISTRATE NO VI, TRICHY.

2.THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
THIRUVERUMBUR POLICE STATION, TRICHY DISTRICT.

4.THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

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

+1. CC to Mr.B.JANATH AHMED ALIAS Advocate SR.No.23155

ORDER
IN
CRL OP(MD) No.21973 of 2018
Date :12/12/2018

TK/VR.MMS/SAR-1/24.12.2018/3P/7C

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