

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.6063 of 2019

1 PUDUPALYAM USHA
2 PUDUPALAYAM DINAKARAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
GUMMUDIPOONDI, THIRUVALLUR DISTRICT.
(CR.NO.17 OF 2019)

For Petitioner : M/S.S.THIRUGNANAM Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, were apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 430 of IPC r/w Section 21(1) Mines and Minerals Act on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners had transported one unit of silicon sand illegally by using a lorry without any valid licence.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of sand involved is one units of silicon sand. She further submitted that there is no previous cases pending against these petitioners.

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 petitioners are directed to deposit together a sum of Rs.15,000/-

(Rupees fifteen thousand only) jointly as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to deposit together a sum of Rs.15,000/- (Rupees fifteen thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, 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 on which the order copy made ready, before the learned Judicial Magistrate No.1, Ponneri, on condition that each of the petitioner shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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.

[b] the petitioners shall deposit together a sum of Rs.15,000/- (Rupees Fifteen thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

[c] 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.

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

[e] the petitioners 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 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]**.

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

-sd/-
06/03/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
GUMMUDIPOONDI, THIRUVALLUR DISTRICT.

5 THE DISTRICT MINERAL
FOUNDATION TRUST, TIRUVALLUR DISTRICT.

+1 CC to M/S.S.THIRUGNANAM Advocate on payment of necessary charges-Sr.4757

सत्यमेव जयते

CRL OP.6063/2019

ths : 08.03.2019

Date :06/03/2019

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