

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Tenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14575 of 2019

1 NALLAMUTHU
2 JAYAPRAKASH
3 RAJA
4 ELUMALAI
5 MURUGAN

[PETITIONER / ACCUSED]

Vs

THE REPRESENTED BY THE
INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.342 OF 2019

[RESPONDENT]

For Petitioner : M.KRISHNAMOORTHY Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 353, 379, 430, 307, IPC r/w 21(5) of Mines and Minerals (Development & Regulation Act 1957, and 3(2) TN Public Property (Prevt of Damage & Loss) Act 1992 in Crime No.342 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the petitioners transported four units of sand illegally. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they are no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that there is no previous case against the 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 a sum of Rs.90,000/- (Rupees

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

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of his 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 shall deposit a sum of Rs.90,000/- (Rupees ninety thousand only) jointly as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Chengam, on condition that the petitioners shall execute 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 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 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.

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

[d] the petitioners shall not abscond 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/06/2019

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,
CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER IN CHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TIRUVANNAMALI

+1 CC to M.KRISHNAMOORTHY Advocate on payment of necessary charges SR.NO. 11129

सत्यमेव जयते

CRL OP.14575/2019

RD 13/06/2019

Date :10/06/2019

WEB COPY