

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Cr1.O.P. No.8673 of 2021

1.Arumugam

S/o.Pavadai,
No.17, Middle Street,
M.Kunnathur,
Ulundhurpet Taluk,
Kallakurichi District.

2.Muthupandiyan,

S/o.Murugan,
No.4/27, North Street,
M.Kunnathur,
Ulundhurpet Taluk,
Villupuram District.

... Petitioners/ Accused 1 & 2

Vs.

The State Represented by
The Inspector of Police,
Thirunavur Police Station,
Kallakurichi District.
[Crime No.131 of 2021]

... Respondent

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioners : Mr.D.Arun
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The matter is heard through "Video Conferencing/Hybrid mode")

The petitioners, who apprehend arrest for the alleged offence under Section 379 of I.P.C. in Crime No.131 of 2021 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are alleged to have transported one unit of lake sand each in two Tractors illegally.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate appearing for the respondent would submit that the quantity of sand involved is two units.

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, the petitioners are directed to deposit a sum of Rs.60,000/- (Rupees Sixty Thousand Only) 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 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 are directed to deposit a sum of Rs.60,000/- (Rupees Sixty 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, Tirittani, on condition that the petitioners shall each 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; and

[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 themselves 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/05/2021

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,
TIRITTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUNAVUR POLICE STATION, KALLAKURICHI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MINERAL
FOUNDATION TRUST, THIRUVALLUR DISTRICT.

+1CC to M/S. D.ARUN Advocate on payment of necessary charges
SR.No. 5866

CRL OP.8673/2021

Date :06/05/2021

rg.12.05.2021