

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.8708 of 2021

1. Murugan

2. Seenu @ Seenivasan

.. Petitioners

Vs.

The State rep. by

The Sub Inspector of Police,

Vengal Police Station,

Thiruvallur District

Crime No.140 of 2021

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in connection with in Crime No.140 of 2021 on the file of the respondent.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Sections 430, 379 of IPC read with Section 21(1) of the Mines and Minerals (Development and Regulation) Act, in Crime No.140 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are alleged to have transported 2 1/2 units of river sand illegally.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he pray to grant anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that the quantity of sand involved is 2 1/2 units. He further submitted that four previous cases are pending as against the first petitioner and no previous pending as against the second petitioner. Hence, he opposed grant of anticipatory bail to the first

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 second petitioner is directed to deposit a sum of Rs.37,500/- each (Rupees thirty seven thousand and five hundred 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 second petitioner has 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 and also the fact that four previous cases are pending against the first petitioner, this Court is not inclined to grant anticipatory bail to him and the petition as against the first petitioner is dismissed.

8. Considering the fact that no previous case is pending against the second petitioner, this Court is inclined to grant anticipatory bail to him with certain conditions. Accordingly, the second petitioner is directed to deposit a sum of Rs.37,500/- each (Rupees thirty seven thousand and five hundred only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit the second petitioner 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-I, Thiruvallur District on condition that the second petitioner 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 second petitioner 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 second petitioner 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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].

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

-sd/-
12/05/2021

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 NO.I,
THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE DISTRICT MINERAL FOUNDATION TRUST,
THIRUVALLUR.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges SR NO.6087

CRL OP.8708/2021

Date :12/05/2021

MK:15/06/2021