



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.10836 of 2021

R.Prakash @ Prakasam

... Petitioner

Vs.

The Inspector of Police,
Kandili Police Station,
Kandili, Vellore District.
(Crime No.844 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of arrest by the respondent police in connection with Crime No.844 of 2020 on the file of respondent police.

For Petitioner : Mr.R.Ramesh

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

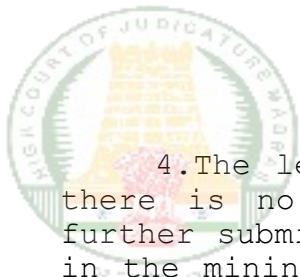
ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 430 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 alter with under Section 379, 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.844 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal manufacturing of 1 unit of artificial sand.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner, without prejudice to his defence and contentions, on his own volition, is ready to deposit a sum of Rs.1,00,000/- for any welfare activities as may be ordered by this Court.



4.The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner. He further submitted that if the person is caught with illegal sand in the mining area, necessarily he could be released on bail by imposing of deposit of any amount as may be ordered by this Court. In view of formation of District Mineral Foundation Trust in each District, the amount may be directed to be deposited to the credit of the said Trust for rehabilitation in the areas affected by illegal sand mining.

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 as undertaken by the petitioner to pay a sum of Rs.1,00,000/- for any purposeful rehabilitation measure, this Court is inclined to grant bail to the petitioner. Accordingly, this Court is of the opinion that the petitioner can be directed to make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of the concerned District Mineral Foundation Trust, and the balance Rs.50,000/- as undertaken by the petitioner shall be paid in favour of the The Chief Educational Officer, Vellore District, for the rehabilitation and improvement of the basic needs of the Government Schools in the Vellore District.

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

7. In view of the above submissions and the undertaking of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8.Accordingly, the 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thirupattur on condition that the 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



(b) the petitioner shall make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust, Tiruvallur District and the petitioner shall make a non refundable deposit of Rs.50,000/- to the credit of The Chief Educational Officer, Vellore District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



9. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
24/06/2021

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.II,
THIRUPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANDILI POLICE STATION,
KANDILI, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUVALLUR DISTRICT

6 THE CHIEF EDUCATIONAL OFFICER,
VELLORE DISTRICT

+1CC to M/S R.RAMESH Advocate on payment of necessary charges SR NO.6755

CRL OP.10836/2021

Date :24/06/2021

MK:14/07/2021