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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.11998 of 2021

P.Venkatesan

..Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
Peranamallur Police Station,
Thriuvannamalai District.
(Cr.No.294 of 2021)

..Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in Crime No.294 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.G.Punniakoti

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

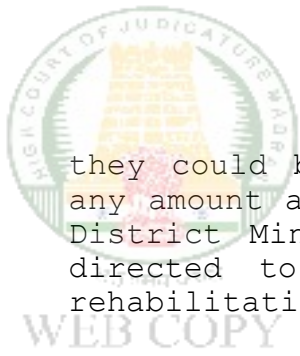
O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379,430 of IPC read with Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.294 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of savudu sand by using JCB.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- to the Mineral Foundation Trust that may be imposed by this Court.

4.The learned Government Advocate submitted that the vehicle involved was seized by the respondent police and there is no previous case pending against the petitioner. He further submitted that if the persons are caught with illegal sand in the mining area, necessarily



they could be released on bail by imposing condition 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 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 also considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner may be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Trust for rehabilitation works.

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. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate, I am 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, Cheyyar, 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.10,000/- (Rupees Ten Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;



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

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CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges
Sr.7361

CRL OP.11998/2021

Date :13/07/2021

RVR 26/07/2021