



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12621 of 2021

Periyannan

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.
Crime No.360 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.360 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Bharathiraja

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

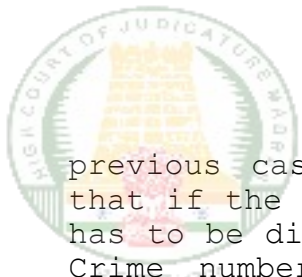
ORDER

The petitioner, who was arrested on 12.07.2021 and remanded to judicial custody for the offences under Sections 379 of IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Cr.No.360 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were illegally transported two units of gravel sand in Government Poromboke land by using tipper lorry and the same was seized by the respondent police.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 12.07.2021. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- to the Mineral Foundation Trust. Therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) 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 person is caught with illegal sand in the mining area, he has to be directed to deposit the conditional amount to the credit of Crime number. However, in view of formation of District Mineral Foundation Trust in each District, the amount may 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 petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty 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.

7. Considering the facts of period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioner shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and the learned Judge, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Principal District & Sessions Court, Dharmapuri, and on further condition that:

(c) 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;

(d) the petitioner is directed to appear before the respondent police daily morning at 10.30 am until further orders;



(g) 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 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]; and;

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

-sd/-

22/07/2021

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 PRINCIPAL DISTRICT AND
SESSIONS COURT, DHARMAPURI

2 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI

3 THE INSPECTOR OF POLICE,
ADHIYAMANKOTTAI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST, DHARMAPURI.

CC to M/S.J.BHARATHIRAJA Advocate on payment of necessary charges

CRL OP.12621/2021

Date : 22/07/2021

RVR 23/07/2021