



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.13133 of 2021

1.Raja @ Jeyarajan
2.Nagarajan

... Petitioners

Vs.

The Inspector of Police,
Kunnam Police Station,
Perambalur District.
(Cr.No.622 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C pleaded to grant anticipatory bail and to direct the release of the petitioners on bail, in the event of their arrest by the respondent police in Crime No.622 of 2021 under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 subject to the satisfaction of the Judicial Magistrate, Perambalur.

For Petitioners : Mr.G.Ilamurugu

For Respondent : Mr.C.E.Pratap
Government Advocate (Cr1.Side)

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act 1957, in Crime No.622 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegal transportation of small quantity of odai sand by using two bullock carts.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, is ready to deposit a sum of Rs.10,000/- to the credit of the



concerned District Mineral Foundation Trust that may be imposed by this Court.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioners. 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 also considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners 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 the submission made by the learned Government Advocate (Crl.Side), I am inclined to grant anticipatory bail to the petitioners 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, Perambalur**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 petitioners 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 petitioners 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 his defence



4 THE INSPECTOR OF POLICE
KUNNAM POLICE STATION,
PERAMBALUR DISTRICT.

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

+1 CC to M/S.G.ILAMURUGU Advocate on payment of necessary
charges SR.NO.7923

CRL OP.13133/2021

Date :29/07/2021

TA-04/08/2021