



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13329 of 2021

Perumal

.. Petitioner

Vs.

State Rep. by
The Inspector of Police,
Royakottai Police Station,
Krishnagiri District.
Cr.No.153 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 Crime No.153 of 2021 on the file of the respondent police.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

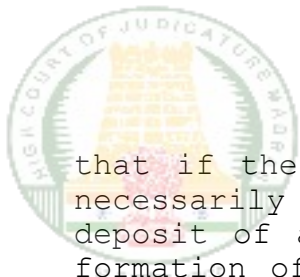
ORDER

The petitioner who was arrested on 19.07.2021 and remanded to judicial custody for the offences under Section 379 of IPC, in Crime No.153 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of three unit of Norambu sand by using vehicle without any valid permission. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that the petitioner is no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 19.07.2021. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, is ready to deposit a sum of Rs.20,000/- to the credit of the concerned District Mineral Foundation Trust that may be imposed by this Court. Therefore, he prays to grant bail to the petitioner.

4. 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, necessarily he 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.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 at the stage of anticipatory bail.

7. Considering the period of incarceration suffered by the petitioner and there is no previous case pending as against the petitioner, this Court is inclined to grant bail to the petitioners with certain conditions:

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 learned Judicial Magistrate Denkanikottai, and on further condition that:

(a) the petitioner shall 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, without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgment, shall accept the sureties furnished by the petitioners;

(b) 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;



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
KRISHNAGIRI DISTRICT.

CC to M/S.V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.13329/2021

Date :02/08/2021

RW 03/08/2021