



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14580 of 2021

D.SELVAM

[PETITIONER / ACCUSED]

Vs

STATEREPLY BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
GUMMUDIPOONDI,
THIRUVALLUR DISTRICT.
(CRIME NO.140/2021)

[RESPONDENT]

For Petitioner : M/S R.DINESHKUMAR Advocate

For Respondent : MR.C.E.PRATAP Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379, 430 of IPC and read with section 21(1) of Mines & Minerals (Development and Regulation) Act, 1957 in Crime No.140 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was illegally transported one unit of sand by using tractor.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he 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 the amount of Rs.10,000/- to the Mineral Foundation Trust.

4.The learned Government Advocate submitted that 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 there is no previous case pending against the petitioner, 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 District Munsif cum Judicial Magistrate, Gummudipoondi 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 his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, 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;



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

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

17/08/2021

TRUE COPY

TO

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

Date :17/08/2021

<https://hcservices.ecourts.gov.in/hcservices/>