



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17946 of 2021

1 K.VELLINGIRI [PETITIONERS / ACCUSED]
2 C.PONNUSAMY
3 SELVI ALIAS VASANTHI
4 CHINNAPAN ALIAS K.RANGANATHAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MADUKKARAI POLICE STATION,
MADUKKARAI,
COIMBATORE.
CRIME NO. 496/2021.

For Petitioner : M/S. I.ABRAR MOHAMED ABDULLAH 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 petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 379 I.P.C & Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.496 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegal transportation of 600 units of gravel sand by using JCB and Tipper lorry and same was seized by the respondent police.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioners, without prejudice to their rights, the petitioners, on their own volition, are ready to deposit a sum of Rs.1,00,000/- for any relief measure as may be ordered by this Court.

4.The learned Government Advocate (Crl.Side) submitted that the vehicle involved was seized by the respondent police and 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. Though the learned Government Advocate submitted that the person caught with illegal sand in the mining area has to make deposit of the amount as may be ordered by the Court to the credit of District Mineral Foundation Trust of the district concerned, however, this Court is of the opinion that the petitioners may be directed to deposit the amount in favour of the District Collector concerned for other purposes.

6. Further, it is made clear that the deposit of the amount by the petitioners for the said purpose 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 (Crl.Side), this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are 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, Madukkarai on condition that the petitioner 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.1,00,000/- (Rupees one Lakh only) through demand draft in favour of the District Collector, Coimbatore District for the purpose of desilting and restoring the Perur Kuttai, 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;

(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 petitioners shall report before the respondent police daily as and when required until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners 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/-

01/10/2021

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 JUDICIAL MAGISTRATE,
MADUKKARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADUKKARAI POLICE STATION,
MADUKKARAI, COIMBATORE.

5 THE DISTRICT COLLECTOR,
COIMBATORE DISTRICT.

+1 CC to M/S. I.ABRAR MOHAMED ABDULLAH Advocate on payment of
necessary charges SR.NO.10945

CRL OP.17946/2021

Date :01/10/2021

RW 12/10/2021