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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19640 of 2021

Gurumurthy

... Petitioner

Vs.

State Tamil Nadu
Rep. by the Inspector of Police,
Valangaiman, Tiruvarur District.
(Crime No.964 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.964 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Sekar

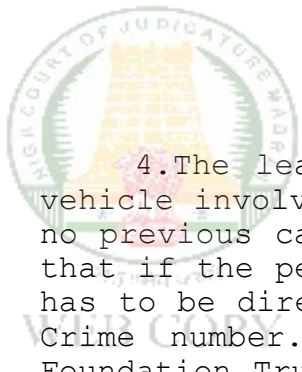
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested on 26.09.2021 and remanded to judicial custody for the offence punishable under Sections 430, 379 of IPC read with Section 21(1) Mines and Minerals (Development and Regulation) Act 1957, in Cr.No.964 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally transported $\frac{1}{4}$ unit of river sand by using bullock cart, without any valid permission. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, on his own volition, is ready to deposit a sum of Rs.10,000/- to the District Mineral Foundation Trust.



4.The learned Government Advocate (Crl.Side) submitted that the vehicle involved was seized by the respondent police and that 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 petitioner, this Court is of the opinion that the petitioner shall 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 bail.

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

8. Accordingly, 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, each for a like sum to the satisfaction of the District Munsif Cum-Judicial Magistrate, Valangaiman, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum 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;

(b)the petitioner and 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;



6 THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
THIRUVARUR DISTRICT.

WEB COPY CC to M/S.S.SEKAR Advocate on payment of necessary charges

CRL OP.19640/2021

Date :21/10/2021

JPA 21/10/2021