



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI
CRL OP (MD)No.14386 of 2021

WEB COPY

K.MOHAN @ SAKTHISARAN

...PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.850 OF 2021).

...RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.Venkatesan, Advocate.

For Respondent : Mr.T.Senthilkumar

Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.850 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested 20.08.2021 for the offence under Section 379 I.P.C and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.850 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has illegally accumulated 200 units of river sand in Survey No.456/4A belongs to his father. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner's father's property is situated in the northern bank of river Vennaiyaaru and the entire property in the said survey number is classified as river bed in the revenue records. Hence, the question of accumulation of the alleged sand, will not at all arise. However, to show his *bona fide*, he is prepared to pay a sum of Rs.1,00,000/- to any organization as directed by this Court. He would further submit that the petitioner is languishing in jail from 20.08.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has illegally accumulated 200 units of river sand. He would further submit that the petitioner is having six previous cases to his credit, in which, five cases are similar in nature.

5.Considering the nature of mineral involved, the antecedent of the petitioner and his willingness to pay a sum of Rs.1,00,000/-, this Court is inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that **the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) in favour of the District Green Committee, Thanjavur District,** without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned District Munsif Cum Judicial Magistrate, Papanasam.

6.The District Green Committee, which was formed as per the Government Order in G.O.Ms.No.39, Environment, Climate Change and Forest (FR.13) Department, dated 02.07.2021, pursuant to the directions of this Court in W.P.No.11094 of 2021, shall utilize the amount paid by the petitioner for plantation of trees on either side of the road, tree guard, drip irrigation, manure, etc., with public participation, including, NGOs, Confederation of Industries, Rotary Clubs, Lions Clubs, School Students, College Students, Self Help Groups, labours under MGNREGS and any other volunteers, etc., to achieve 100% survival rate of the planted trees. The State Green Committee shall extend their support in this regard by recommending the correct variety / species of trees, in accordance with the soil type and climatic conditions and also for the maintenance. The maintenance of the trees planted has to be reviewed by the District Green Committee, after two years and necessary appreciations have to be made to the stakeholders concerned in the form of certificates.

7.On production of receipt / acknowledgement for having paid the amount before the District Green Committee, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.



[d]the petitioner shall not abscond either during the investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB JAIL PAPANASAM, THANJAVUR DISTRICT.
4. THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

1. THE DISTRICT GREEN COMMITTEE, THANJAVUR DISTRICT.
2. THE STATE GREEN COMMITTEE, CHENNAI.

1 CC to M/s.S.VENKATESAN, Advocate (SR-6936[I] dated 06/10/2021)

ORDER IN
CRL OP(MD) No.14386 of 2021
Date :04/10/2021