



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 20/12/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

CRL OP(MD)No.20099 of 2021

Gopi : Petitioner/A-13

Vs

State Rep.by
The Inspector of Police,
CBCID, Tirunelveli,
(FIRin Crime No.2 of 2021) : Respondent/Complainant

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondent : Mr.R.Meenakshisundaram
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.2/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A13 was arrested and remanded to judicial custody on 24/11/2021 for the alleged offences punishable under Sections 379 IPC @ 120(B), 379 IPC r/w 21(1)(IV) MMDR Act @ to Sections 420, 465, 468, 471, 120(B), 379 IPC r/w 21(i) (iv) of MMDR Act, in Crime No.2 of 2021 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the Deputy Thasildhar working in Ambasamudaram Taluk. The accused was granted permission by the Thasildhar, Ambasamudiram for the purpose of putting up storage yard in Survey No.843, South Kallidaikurichi Village for storing mines weighting about 41,996 cbm. Permission was also granted to the accused to transmit the above said minerals. Apart from the above permitted field, the accused was also managing other survey numbers about 280 acres. Since the above said survey numbers claimed to farm ponds, 7 ponds have been formed. About 600 units has been taken from the ponds. No permission was obtained for farming the above said ponds. The sand has been processed and has been sold away. No machinery was also



installed by the above accused person for the purpose of manufacturing the M-sand. About 11,146 units of sand has also been lifted. So for the above said complaint, he made allegation that the accused Manivel George has lifted sand without proper permission and licence and also by processing the same, sold away. Based upon which, the above said case has been registered originally by CCB, Tirunelveli and on the basis of the order of this court passed in WP (MD) Nos.11057 and 15312 of 2020, dated 20/07/2021, later, it has been taken over by the CBCID (SIT), Tirunelveli. But during the course of investigation, so many materials have been collected and the accused persons namely Manivel George went absconding. Later, he filed the anticipatory bail before this court in Crl.OP(MD)No.14887 of 2021 and in that petition, interim anticipatory bail has been granted to the 1st accused on the ground that for the past 1-1/2 years, no arrest has been made upon the accused person.

3. During the course of investigation, several persons have been implicated in this case. Totally more than 13 accused in this matter and this petitioner/A13 was arrested on 24/11/2021 and ever-since, he in judicial custody. Seeking bail, this petition came to be filed by this petitioner.

4. The learned Additional Public Prosecutor would submit that this petitioner was the main person, who arranged and identified the property, over which the above said illegal sand mining activities have been undertaken by A1. According to the prosecution, about 800 acres of patta land has been misused for the purpose of lifting the sand.

5. The learned counsel appearing for the petitioner would submit that the main accused has been arrested and granted anticipatory bail by this court and some of the accused persons have also been granted bail in this matter. Considering the duration of the custody, according to him, the petitioner/A13 may be released on bail.

6. The bail application that has been filed by this petitioner before the learned Principal Sessions Judge, Tirunelveli, came to be dismissed, in Cr.MP No.8633 of 2021, dated 08/12/2021 on the ground that huge volume of sand and several vehicles were engaged in the alleged commission of sand lifting. As mentioned above, the only objection that has been raised by the learned Additional Public Prosecutor is that this petitioner has made all arrangements for committing the illegal mining activities. No doubt, large quantity of the sand has been lifted from the place of occurrence without any proper permission or licence.

7. As observed above, why the main accused namely A1 was not arrested by the police for about 1-1/2 years, is not known, as huge conspiracy alleged to have been undertaken for lifting the above



interim protection, it may not be proper on the part of this court to detain this petitioner on the ground that he is the main person, who made all arrangements for committing the illegal activities.

8.The confession statement of this petitioner shows that he was not only assisting the management of the above said store yard, but also working as Accountant and one of the vehicles has also been purchased in the name of this petitioner. So only on that ground, the involvement of the petitioner has brought to light during the course of investigation. The main role that has been played by A1 and this petitioner is not the major beneficiary of the above said illegal mining activity. Perusal of the CD file shows that major portion of the investigation is almost over. Considering the duration of the custody of this petitioner, this court is inclined to grant bail to the petitioner. Accordingly, this Court is inclined to grant bail to the petitioner with certain conditions.

9.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 learned Judicial Magistrate No.I, Tirunelveli and on further condition that the petitioner shall report before the respondent police daily at 10.00 am until further orders.

sd/-

20/12/2021

/ TRUE COPY /

20/12/2021

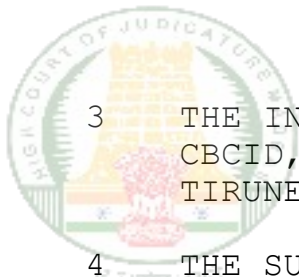
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE
CBCID,
TIRUNELVELI.

4 THE SUPERINTENDENT,
CENTRAL JAIL, TIRUNELVELI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO MR.P.M.VISHNUVARTHANAN, ADVOCATE IN SR NO.9537

ORDER

IN

CRL OP(MD) No.20099 of 2021

Date :20/12/2021

RS/VR/SAR1(20.12.2021) 4P-7C