



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9302 of 2022

1 M.MANIKANDAN [PETITIONERS / ACCUSED]
2 S.MADESH
3 M.POOMANI

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
B-1, DHARMAPURI TOWN POLICE STATION,
DHARMAPURI DISTRICT.
(CRIME NO.240 OF 2022)

For Petitioner : M/S.M.SELVAM Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.240 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally excavated and transported sand/soil using JCB and tipper lorry without permit. Hence, the complaint.

3. The learned counsel for the petitioners had submitted that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail to the petitioners by stating that the petitioners had illegally excavated and transported sand/soil.

WEB COPY

5. Considering the fact that there is no previous case as against these petitioners and the value of the mineral alleged to have been illegally transported, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each in the District Collector's Fund and on such deposit and production of receipt before the learned concerned Magistrate, the petitioners may be granted anticipatory bail with certain conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Dharmapuri, on condition that the petitioners shall execute separate bonds for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners shall deposit a sum of **(*)Rs.5,000/- (Rupees Five Thousand only) each before the** concerned District Collector's Fund as non-refundable deposit. After receipt of the above said amount, the same has to be deposited by the concerned District Collector to the credit of the District Mines and Minerals Foundation Trust as non-refundable deposit;

(b) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the petitioners and 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 Investigation Officer as and when required for an interrogation;

(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 are 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/-
25/04/2022

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.

(*)Corrected copy to be substituted for the order already despatched on 04/05/2022.

TO

1 THE JUDICIAL MAGISTRATE-I,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-1, DHARMAPURI TOWN POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT.

+1CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.No.6233

CRL OP.9302/2022

Date :25/04/2022

CSK 29/04/2022

CSK 20/05/2022