



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10977 of 2022

1 BOOBATHY

[PETITIONERS / ACCUSED]

2 VELUMANI

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.280 OF 2022.

[RESPONDENT]

For Petitioner : M/S.ALI HASSAN KHAN Advocate

For Respondent : M/S.V.J.PRIYADARSANA, Govt. Advocate (Cr1. 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 offences punishable u/s 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Cr.No.280 of 2022, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are alleged to have transported one unit of river sand.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of river involved was one units. He further submitted that there is one previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.



(*)5. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners may be directed to jointly deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court."

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners 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 fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Arani, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond either during 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 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].

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

-sd/-

06/06/2022

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.

(*)Being Mentioned as per Order of this Court dated 21/06/2022 made in CRL.OP.NO.10977/2022.

TO

1 THE JUDICIAL MAGISTRATE,
ARANI, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARNI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TIRUVANNAMALAI.

+1 CC to M/S.ALI HASSAN KHAN Advocate on payment of necessary charges SR.NO.9670

CRL OP.10977/2022

Date :06/06/2022

TA-09/06/2022

CSK 23/06/2022