



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12524 of 2022

1 DHANDAPANI [PETITIONERS/ ACCUSED]
2 DHIVAKAR
3 KANNADHASAN

Vs

STATE REP.BY, [RESPONDENT]
THE INSPECTOR OF POLICE
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.
(CRIME NO.256/2022)

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested on 03.05.2022 and remanded to judicial custody on 04.05.2022 for the alleged offence under Sections 430 and 379 of IPC in Crime No.256 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners have illegally transported 1/4 unit of river sand in a Tractor Tipper without valid permit. The first petitioner/A1 is the owner of the vehicle and the second petitioner/A2 is the driver of the Tractor Tipper and the third petitioner/A3 is the driver of the JCB.

3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted as against the petitioners only for statistical purpose. Hence, he seeks bail to the petitioners.



4. The Learned Additional Public Prosecutor submitted that there is no previous case pending as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

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 each petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten 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 their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances of the case and also the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) each as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Nannilam, 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 report before the respondent police daily at 10.30 am 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

25/05/2022

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.

TO

1 THE JUDICIAL MAGISTRATE
NANNILAM, THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PERALAM POLICE STATION,
THIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, NANNILAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
THIRUVARUR DISTRICT.

+1CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.No.7850

CRL OP.12524/2022

Date :25/05/2022

CSK 26/05/2022