



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12654 of 2022

1 MANIKANDAN
2 PRAKASH M

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
T. PALUR POLICE STATION,
ARIYALUR DISTRICT.
CRIME NO.119 OF 2022.

[RESPONDENT]

For Petitioners : M/S.ALI HASSAN KHAN Advocate

For Respondent : MR.V.MEGHANATHAN, Govt. Advocate (Crl. Side)

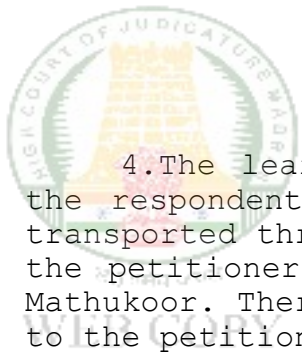
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable u/s 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Cr.No.119 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioners are arrayed as A1 and A2. A1 is the owner of the vehicle and A2 is the driver of the vehicle. Though the petitioners have permit to transport sand from Seerkali to Mathukoour, they were found to have transported three units of sand illegally in Ariyur District. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that they are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners .



4.The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the petitioners were alleged to have transported three units of sand illegally in Ariyalur District, though the petitioners have permit only to transport sand from Seerkali to Mathukoor. Therefore, 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 first petitioner/A1 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the the second petitioner/A2 is directed to deposit a sum of Rs.5,000/- (Rupees Five 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 amounts, 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, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the 1st petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) 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 in the event of arrest or on their appearance, within a period of Thirty days from the date on which the order copy made ready, before the learned Judicial Magistrate I, Jayamkondam, on condition that each of 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 first petitioner/A1 shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner/A2 shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust.



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

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

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

-sd/-
27/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, JAYAMKONDAM

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T. PALUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
ARIYALUR DISTRICT

WEB COPY +1 CC to M/S.ALI HASSAN KHAN Advocate on payment of necessary
charges SR.NO.8241

CRL OP.12654/2022

Date :27/05/2022

JPA 01/06/2022