



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

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

WEB COPY

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12653 of 2022

1 S.K.SUBRAMANIAM [PETITIONERS / ACCUSED]
2 PAPPU S
3 VELLAIYAN
4 SHANMUGAM

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT
CR NO.173/2022

For Petitioner : M/S.C.S.SARAVANAN Advocate

For Respondent : M/S R.S.NIRANJAN PUBLIC PROSECUTOR
FOR Mr.C.E.Pratap Government Advocate (Crl. Side)

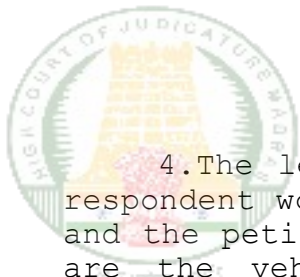
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC in Cr.No.173 of 2022, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 17.05.2022 at about 5.15 p.m., A1 and A2 are alleged to have extracted stones from a quarry without any permission using JCB bearing Registration No.TN47 V 2050 and a Tipper Lorry bearing Regn.No.TN30 P 1666 was parked in the centre of the quarry with one unit of stones. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners 1 and 2 are owners of the vehicle. The petitioners 3 and 4 are the land owners and they have got licence to quarry stones from the patta land and that their license for renewal is now pending. He would further submit that there is no previous case against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there are totally 6 accused in this case and the petitioners are arrayed as A3 to A6. The petitioners 1 and 2 are the vehicle owners, 3 and 4 are land owners. Earlier the petitioners 3 and 4 had license to quarry stones from the patta land but, now the license got expired. In the meanwhile, the stones were quarried by the petitioners. Thereby, the complaint was lodged by the Village Administrative Officer. Hence, he vehemently opposed to grant anticipatory 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 petitioners shall be 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, without prejudice to their rights and contentions before the trial Court.

6.Merely, because the petitioners deposit 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, this Court is inclined to grant anticipatory 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 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, Komarapalayam, on condition that each 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.10,000/- (Rupees Ten Thousand only) each, 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.

[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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
KOMARAPALAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE DISTRICT MINERAL
FOUNDATION TRUST, NAMAKKAL

CC to M/S.C.S.SARAVANAN
charges Sr.8120

Advocate on payment of necessary

CRL OP.12653/2022

Date :27/05/2022

RVR 01/06/2022