



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13278 of 2022

P.Palanivel

..Petitioner

Vs.

State represented by:
The Inspector of Police,
Fairlands Police Station,
Salem City
Crime No.310 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.310 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2022 for the offences punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in crime No.310 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner transported 3 units of gravel sand by using lorry bearing registration No.TN 23 P 4746 without valid licence. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is the driver of the vehicle. Hence, he prays to grant bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the quantity of gravel sand involved is 3 units. He further submitted that there is no previous case pending against the petitioner. However, he vehemently opposed to grant 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 petitioner may be directed to deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

6.Merely, because the petitioner has 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 bail to the petitioner. Accordingly, the petitioner is directed to deposit a sum of Rs.45,000/-(Rupees Forty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, and on such deposit the petitioner is ordered to be released on bail on his executing a 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 learned Principal Sessions Judge, Salem and on further conditions that:

[a] 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 petitioner shall deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

[c] the petitioner 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.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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 petitioner in accordance with law as if the conditions have been



imposed and the petitioner 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/-

09/06/2022

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.

TO

1 THE PRINCIPAL SESSIONS JUDGE
SALEM.

2 THE INSPECTOR OF POLICE,
FAIRLANDS POLICE STATION,
SALEM CITY.

3 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
SALEM DISTRICT.

+1CC to R.MARUDHACHALAMURTHY Advocate on payment of necessary charges SR.No.8720

CRL OP.13278/2022

Date :09/06/2022

CSK 09/06/2022