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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

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

Cr1.OP.No.13717 of 2022

1.Thangaiyan
2.Sivanandham
3.Veeranathan
4.Muruganantham

..Petitioners

Vs.

State rep. by
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District
Crime No.134 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.134 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Vijayaragavan

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.06.2022 for the offences punishable under Sections 379 & 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in crime No.134 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners transported 1 unit of river sand without valid licence. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant bail to the petitioners.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners are arrayed A1 to A4 and the quantity of river sand involved is 1 unit. He further submitted that there is no previous case pending 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 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 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 bail to the petitioners. Accordingly, the petitioners are 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, and on such deposit the petitioners are ordered to be released on bail on their executing a separate 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, Thiruthuraipoondi 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 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.

[c] 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.

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

[e] the petitioners 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 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].

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

-sd/-

15/06/2022

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 JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHURAIPOONDI,
TIRUVARUR DISTRICT.

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

+1CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary charges SR.No.9136

CRL OP.13717/2022

Date :15/06/2022

CSK 15/06/2022