



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14777 of 2022

1 SARATH KUMAR
2 UDHAYAKUMAR

[PETITIONERS/ ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
C-2, PERIYAPALAYAM POLICE STATION,
TIRUVALLUR.
(CRIME NO.232 OF 2022)

[RESPONDENT]

For Petitioner : M/S.K.KARTHIK Advocate

For Respondent : M/S.V.J.PRIYADARSANA, Govt.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 offences punishable under Sections 379 & 430 of IPC and Section 21(1) of TN Mines & Minerals Act in Crime No.232 of 2022, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are alleged to have transported 1/2 unit of gravel sand in two lorries each carrying 1/4 unit illegally.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the 1st petitioner is the owner of both the lorries. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the quantity of gravel sand involved is $\frac{1}{2}$ unit. He further submitted that there is four previous case of similar nature pending against the 1st petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions.

6. 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 second 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 his rights and contentions before the trial Court.

7. Merely, because the second 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.

8. Accordingly, as far as the first petitioner is concerned, this petition is dismissed and as far as the second petitioner is concerned, he 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 and on such deposit he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the District Munsif cum Judicial Magistrate Court, Uthukottai on condition that the second petitioner shall execute 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 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 second petitioner 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 second petitioner shall 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.



[c] the second 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 second petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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/-
27/06/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
C-2, PERIYAPALAYAM POLICE STATION,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



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

WEB COPY

+1CC to M/S.K.KARTHIK Advocate on payment of necessary charges
SR.No.10140

CRL OP.14777/2022

Date :27/06/2022

CSK 30/06/2022