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CrI.OP.No.17411 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2022

CORAM

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

CrI.OP.No.17411 of 2022

Balu

..Petitioner/A2

Vs.

State represented by:
The Inspector of Police,
Kedar Police Station,
Villupuram District
Crime No.109 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.109 of 2022 on the
file of Inspector of Police, Kedar Police Station, Villupuram District.

For Petitioner : Mr.M.R.Elavarasan

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 04.07.2022 for the offences punishable under Section 379, 430 IPC read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in crime No.109 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner transported 30 tonnes of black stones without any valid permit. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that there is one previous case pending against the petitioner. However, he 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



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sand mining activities, this Court is of the opinion that the petitioner may be directed to deposit a sum of Rs.30,000/- (Rupees Thirty 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.30,000/- (Rupees Thirty 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 Judicial Magistrate No.II, Villupuram and on further



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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.30,000/- (Rupees Thirty 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



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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.

26.07.2022

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To

- 1.The learned Judicial Magistrate No.II,
Villupuram.
- 2.The Inspector of Police,
Kedar Police Station,
Villupuram District
3. District Jail,
Villupuram.
- 4.The Public Prosecutor,
High Court of Madras

G.K.ILANTHIRAIYAN, J.



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