



Crl.OP.No.19185 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2022

CORAM

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

Crl.OP.No.19185 of 2022

1. Panneerselvan @ Panneer
2.Raja

..Petitioners

Vs.

The State Rep. By
Inspector of Police,
Veeraganur Police Station,
Salem.
Crime No:110 of 2021

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in connection with Crime No.110
of 2021 pending before the Respondent Police.

For Petitioners : Mr.Rajkumarfranklin

For Respondent : Mr.A. Gopinath,
Govt. Advocate (Crl. Side)



Crl.OP.No.19185 of 2022

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 31.07.2022 for the offences punishable under Section 21(1) Mines and Minerals (Development & Regulation) Act 1957 read with Section 379 of IPC in crime No.110 of 2021 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioners transported 1 unit of river sand without any valid permit. 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 Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners had illegally transported 1 unit of river sand. Hence, he opposed to grant bail to the petitioners.

5.In view of the rehabilitation undertaken under the Tamil Nadu



CrI.OP.No.19185 of 2022

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 deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) jointly 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 petitioners had 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 petitioners. Accordingly, the petitioners is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) jointly 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 bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the



CrI.OP.No.19185 of 2022

satisfaction of the **learned Judicial Magistrate-I, Attur** 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 petitioners shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) jointly 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.



CrI.OP.No.19185 of 2022

[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.

16.08.2022

Sma

To

1.The Judicial Magistrate No.I,
Attur.

2.Inspector of Police,
Veeraganur Police Station,
Salem.

3. District Jail,
Attur.

4.The Public Prosecutor,
High Court of Madras.



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CrI.OP.No.19185 of 2022

G.K.ILANTHIRAIYAN, J.

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CrI.O.P.No.19185 of 2022

16.08.2022