



CrI.O.P.No.26573 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.26573 of 2022

Govintharaj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ambur Town Police Station,
Tirupathur District.

Crime No.271 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.271 of 2022 on the file
of the respondent Police.

For Petitioner : M/s.S.P.Arthi

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.09.2022 for the alleged offences punishable under Sections 294(b), 353, 307, 506(ii), 379, 430 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.271 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 30.09.2022, when the respondent Police and his team were on their routine check up, the petitioner along with the other accused were alleged to have illegally transported 1 unit of river sand in a tractor and when it was questioned by the officials, the accused had abused them in a filthy language and threatened with dire consequences. 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. He would also submit that the petitioner is in custody from 30.09.2022 and without prejudice, the petitioner is prepared to deposit



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Rs.20,000/- to any welfare scheme of the Government and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with the other accused had illegally transported one unit of river sand by using Tractor, without any valid license and they had also abused the officials in a filthy language and threatened them. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

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 petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non



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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 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. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is prepared to deposit Rs.20,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only)** by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a



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bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambur, Tirupathur District** 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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]**;



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

03.11.2022

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To

1. The Judicial Magistrate,
Ambur, Tirupathur District.
2. The Inspector of Police,
Ambur Town Police Station,
Tirupathur District.
3. The Central Jail,
Vellore .
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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