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CRL.O.P(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2022

PRESENT

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

CRL.O.P(MD)No.21858 of 2022

1.Sridhar

2.Ramamoorthy @ Raman

...Petitioners/ Accused No.2 & 3

-vs-

The State represented by
The Inspector of Police,
Keeranur Police Station,
Pudukottai District.
(Cr.No.377 of 2022)

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.377 of 2022 on the file of the respondent Police.

For Petitioners : Mr.M.Rajarajan

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.377 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioners were allegedly indulging in illegal gravel mining by using JCB and tipper lorry and on seeing the Police, the accused ran away. Hence, the complaint.



3. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate (crl.side) appearing for the respondent submitted that the petitioners have indulging in theft of gravel sand by using JCB and tipper lorry. He would further submit that one previous case is pending as against the first petitioner and there is case pending against the second petitioner. However, he vehemently opposes to grant anticipatory bail to the petitioners.

5. Heard the learned Counsel for the petitioners 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 directs the first petitioner to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner to deposit a sum of Rs.5,000/- (Rupees Five 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.

7. 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.

8. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the first petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) and the second petitioner shall make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the **District Mineral Foundation Trust concerned**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Keeranur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond 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 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]**.

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

sd/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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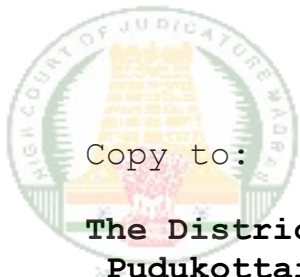
To

1.The Judicial Magistrate, Keeranur.

2.-do-Through The Chief Judicial Magistrate,
Pudukottai District.

3.The Inspector of Police,
Keeranur Police Station, Pudukottai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Copy to:

**The District Mineral Foundation Trust,
Pudukottai District.**

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+1 CC to M/s.RAJARAJAN M, Advocate (SR-14777[I] dated 13/12/2022)

ORDER

IN

CRL OP(MD) No.21858 of 2022

Date :12/12/2022

RD/VR/SAR-IV(20/12/2022) 4P 7C