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CrI.O.P.No.13523 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

CrI.O.P.No.13523 of 2023

1. Manoj
2. Senthilkumar
3. Aluguvel

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Veeraganur Police Station,
Salem District.

(Crime No.88 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, in connection with the Crime
No.88 of 2023 dated 02.06.2023, on the file of the respondent Police.

For Petitioners : M/s.L.Karthiga

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



CrI.O.P.No.13523 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.06.2023, for the offences punishable under Sections 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation Act) 1957, in Crime No.88 of 2023 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the petitioners had illegally transported red sand by using Tipper Lorry without any valid license. Hence, the complaint.

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. He would also submit that the petitioners are in custody from 02.06.2023 and without prejudice, the petitioners are prepared to deposit a considerable amount to any welfare scheme of the Government and they are prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.



Crl.O.P.No.13523 of 2023

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners had illegally transported red sand by using Tipper Lorry without any valid license. He would further submit that there is no previous case pending as against the petitioners. Hence, he vehemently opposed to grant 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 is of the opinion that the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Ten 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.



CrI.O.P.No.13523 of 2023

WEB COPY

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 and the submissions made by the learned counsel and also taking note of the fact that the petitioners are prepared to deposit Rs.20,000/- jointly to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail on condition to make a non refundable deposit of **Rs.20,000/- (Rupees Twenty Thousand only) jointly** 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 on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I,Attur**, and on further conditions that:



CrI.O.P.No.13523 of 2023

[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 report before the respondent Police daily at 10.30 a.m., until further orders;

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

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC;

19.06.2023

drl



CrI.O.P.No.13523 of 2023

WEB COPY

To

1. The Judicial Magistrate No.I,
Attur.
2. The Inspector of Police,
Veeraganur Police Station,
Salem District.
3. The District Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13523 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.13523 of 2023

19.06.2023