



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.746 of 2023

WEB COPY

1. Karthikeyan
2. Kumar
3. Selvaraj
4. Dilip

... Petitioners/Accused (Rank unknown)

Vs.

State through
The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
Crime No.325 of 2022

... Respondent/Complainant

For Petitioners : M/s.P.Krishnaveni, Advocate
For Respondent : M.Veeranthiran,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Cr No.325/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C r/w Section 21(1) of Mines and Minerals (Development and regulation) Act, 1957, in Crime No. 325 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 on 31.12.2022 at about 12.30 noon, they seized 2 Tipper Lorries and 2 JCB vehicles and in one Tipper Lorry, 2 ½ unit of graval sand was illegally transported. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would further submit that the petitioners are drivers of the seized vehicles and they have nothing to do with this case. However, they are ready to abide by any condition imposed by this Court. He prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that 2 ½ units of sand was illegally



transported in a Tipper Lorry and at that place, there were 3 vehicles also and all the four vehicles have been seized by the respondent. He prays for dismissal of this application. However, he would concede that no previous case is pending against the petitioners.

WEB COPY

5. Heard. Perused the materials available on record including the First Information Report.

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 petitioners to deposit a sum of Rs.10,000/- **(*) (Rupees Ten Thousand only)** each 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 of the facts and circumstances of the case and also the fact that the petitioners have no bad antecedent, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) each 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 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, Veda sandur, Dindigul, on condition that the petitioners shall execute a 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 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 Station every Monday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m until further orders;

[c] the petitioners shall not tamper with the 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]**; and;

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

sd/-

11/01/2023

**(*)Corrected as per order of this
Hon'ble Court in CRL OP(MD).746/2023
dated 01.02.2023**

**Further two weeks time is extended to
comply with the conditions imposed by
this court.**

/ TRUE COPY /

/02/2023

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

CM

TO

TO BE SUBSTITUTED WITH ORDER ALREADY DESPATCHED ON 27.01.2023

- 1 THE JUDICIAL MAGISTRATE, VEDASANDUR, DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE, ERIYODU POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST, DINDIGUL DISTRICT.

+1. CC to M/S.KRISHNAVENI.P Advocate SR.No.1535[I]

ORDER IN

CRL OP(MD) No.746 of 2023

Date :11/01/2023

SA/VR/SAR.2/24.01.2023/3P/7C

<https://www.mh.court.gov.in/judis> **RS/VR/SAR.4/08.02.2023/3P/7C**