



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

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

CRL.O.P (MD) No.843 of 2023

WEB COPY

1.S.Sivakukmar

2.C.Marimuthu

...Petitioners/Accused No. 1& 2

-vs-

The State represented by
The Inspector of Police,
Siruganur Police Station,
Trichy District.
(Cr.No.299 of 2022)

...Respondent/Complainant

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

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.299 of 2022 on the file of the respondent Police.

For Petitioners : Mr.B.Prasanna Vinoth, Advocate

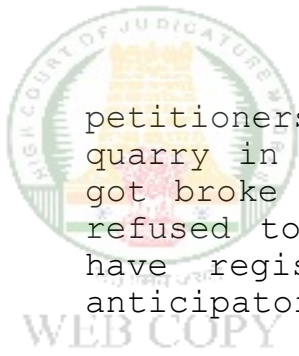
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 379 of IPC r/w 21(1) of TNMMDR Act in Crime No.299 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 transportation of 7 units of raw stones worth of Rs.9,219/- by using a 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. He would submit that the



petitioners were issued a permit to transport a raw stone a quarry in Oottathur Village mine at Lalgudi Taluk and the vehicle got broke down and thereby, the time got lapse and the respondent refused to accept the permit produced by the drive and that they have registered the case. Hence, he would pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners have indulging in illegal transportation of 7 units of raw stones worth of Rs.9,219/- by using a lorry and on seeing the Police, the accused ran way. He would oppose for grant of 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 is inclined to direct the petitioners to deposit a sum of Rs.5,000/- (Rupees Five 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 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.5,000/- (Rupees Five Thousand only)** each 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, Lalgudi, Trichy District 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 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/-
12/01/2023

(*)FOR BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 06/02/2023 IN CRL OP(MD) No.843 of 2023.

Further, time is extended for a period of two weeks, from the date on which the order copy is made ready.

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/02/2023

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

CMR

TO

1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.



3 THE INSPECTOR OF POLICE
SIRUGANUR POLICE STATION, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

COPY TO

THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TRICHY DISTRICT.

+1 CC to M/s.PRASANNA VINOTH B, Advocate (SR-768[I] dated
19/01/2023)

ORDER
IN
CRL OP (MD) No.843 of 2023
Date :12/01/2023

PKP/MMS/SAR-1/25.01.2023/4P/7C