



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3364 of 2023

WEB COPY

1.Sathish Kumar
2.V.Kalirajan

...Petitioners

-vs-

State represented by
Sub Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
In Crime No.13 of 2023

...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 by the respondent Police with respect to Cr.No.13 of 2023.

For Petitioners	: Mr.M.Jothi Basu
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

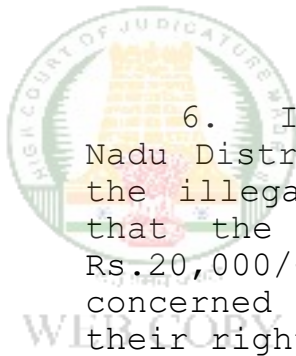
The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C r/w Section 21(1) of Mines and Minerals (Development and Regulations) Act in Crime No. 13 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioners have illegally transported 1 ½ unit of **gravel sand** in a Tractor. 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 petitioners 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 the petitioners have illegally transported 1 ½ unit of gravel sand in a Tractor and he prays for dismissal of this application.

5. Heard. 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 may be directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) 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 had 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.

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

10. Accordingly, the petitioners shall 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 to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions before the trial Court. On such deposit and on 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 **learned Principal District and Sessions Court, Virudhunagar District at Srivilliputtur (Special Court for Mines and Minerals Act Cases)**, 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/-
22/02/2023

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/03/2023

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

CM

To

1.The Principal District and Sessions Court, Virudhunagar District at Srivilliputtur (Special Court for Mines and Minerals Act Cases)

2.The Officer Incharge,
The District Mineral Foundation trust,
Viruthunagar district

3.Sub Inspector of Police,
Maraneri Police Station,
Virudhunagar District.

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

+1. CC to M/S.JOTHI BASU M Advocate SR.No.2671

CRL OP(MD) No.3364 of 2023
Date :22/02/2023

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