



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2023

PRESENT

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

CRL.O.P (MD) No.23327 of 2022

1.Manidevi
2.Ramanathan
3.Packiyaraj

...Petitioners/Accused
Rank Not Known

-VS-

State rep.by
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.267 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.267 of 2022 on the file of the respondent Police.

For Petitioners : Mr.B.Arun, Advocate
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 of IPC and Section 21(1) of TNMMDR Act in Crime No.267 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 have committed the theft of 45 units of sand from the land belonging to the Paramakudi Municipality. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the first petitioner is an owner of a Brick Kiln and she has been granted licence to run a Chamber



Brick Kiln vide proceedings in Roc.No.131/G&M/2021, dated 05.04.2022, and due to a business motive, a false complaint has been given. He would also submit that the petitioners have taken sand after obtaining necessary permission from the Government for running a Brick Kiln and they have taken sand only from the permitted area. He would further submit that without prejudice to their rights, the petitioners are ready and willing to deposit a sum of Rs.25,000/- to any welfare scheme.

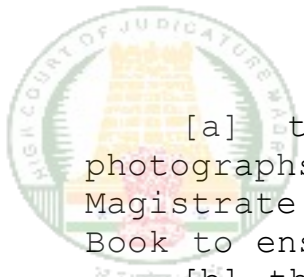
4.The learned Government Advocate (crl.side) would submit that the petitioners have indulged in illegal transportation of 45 units of sand from the land belonging to the Paramakudi Municipality and he would oppose for grant of anticipatory bail.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 jointly deposit a sum of Rs.25,000/- (Rupees Twenty 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.Accordingly, the petitioners shall jointly make a non refundable deposit of Rs.25,000/- (Rupees Twenty 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, Paramakudi, 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



[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., for a period of one week, thereafter as and when required.

[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/-

03/01/2023

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/01/2023

Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High

Court,

Madurai - 625 023.

cmr

TO

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

COPY TO:

<https://www.mhjc.org/>
OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM.



+1. CC to M/S. ARUN.B Advocate SR.No.145

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2022

SP/BUC/SAR I/10/01/2023/3P/7C

ORDER
IN

CRL OP (MD) No.23327 of

Date :03/01/2023