



CRL OP(MD) No.261 of 2024

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.261 of 2024

1 THANGADURAI

2 ASHOK @ ASHOKUMAR

... PETITIONERS / ACCUSED Nos. 5 & 7

Vs

**THE SUB INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
PANAGUDI,
TIRUNELVELI DISTRICT.
(CRIME NO.715 OF 2023)**

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.PRAGALATHAN.N Advocate

**For Respondent : MR.SS.MADHAVAN,
Govt. Advocate (CrI. Side)**

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO. 715 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.**



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ORDER : The Court Made the following order :-

The petitioners / Accused Nos.5 and 7, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under 379 of I.P.C. in Crime No.715 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported four units of sand. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.20,000/- to the Mineral Foundation Trust.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the vehicle involved was seized by the respondent police and he would further submit that if the person is caught with illegal sand in the mining area, he has to be directed to deposit the conditional amount to the credit of Crime number. However, in view of formation of District Mineral Foundation Trust in each District, the amount may be deposited to the credit of the said Trust for rehabilitation in the areas affected by illegal sand mining. He would further submit



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that three previous cases are pending against the petitioners.

5. In view of the rehabilitation undertaken by the State Government under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities and also considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non-refundable deposit 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. The amount so deposited shall be utilised by the Trust for rehabilitation works.

6. It is made clear that the deposit of the amount by the petitioners to the Trust would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, 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 of receipt

of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli

<https://www.mhc.tn.gov.in/judis>



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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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners jointly shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent Police as and when required for interrogation;



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(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
PANAGUDI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE CHAIRMAN/ DISTRICT
COLLECTOR, DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

1 CC to M/s.N.PRAGALATHAN, Advocate (SR-414[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.261 of 2024

Date :09/01/2024

PKP/JGB/SAR- /12.01.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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