



CRL OP(MD) No.366 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.366 of 2024

1 AUGUSTIN @ AGASTIN
2 KULANTHAISAMY

... PETITIONERS/ ACCUSED RANK NOS.1 & 3

Vs

THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.7/2024.

... RESPONDENT/COMPLAINANT

For Petitioners : MR.R.L.DHILIPAN PANDIAN, Advocate
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.7/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 and A3, who apprehend arrest at the hands of the
respondent police for the alleged offence under Section 379 of IPC r/w Section 21(1)
of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.7 of 2024,
on the file of the respondent police, seek anticipatory bail.



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2.The case of the prosecution is that the petitioners and other accused were involved in illegal transportation of three units of river sand. Hence, the case.

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 further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.50,000/- to the Mineral Foundation Trust and hence, he prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) strongly opposed to grant anticipatory bail stating that the petitioners and other accused were involved in illegal transportation of three units of river sand. However, he fairly conceded that the petitioners are having no previous case.

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.50,000/- (Rupees Fifty 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.



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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, Thiruvaiyaru, Thanjavur 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 shall make a non refundable deposit of Rs.50,000/- (Rupees



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Fifty Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their 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;

(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 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;



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229-A IPC.

(h)if the accused thereafter abscond, a fresh FIR can be registered under Section

sd/-
10/01/2024

/ TRUE COPY /

/01/2024

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

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TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-627[I] dated 11/01/2024)

ORDER IN
CRL OP(MD) No.366 of 2024
Date :10/01/2024

RS/JGB/SAR-(19.01.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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