



CRL OP(MD). No.409 of 2024

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

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1. Andiappan

2. Jeyakumar

... Petitioners/1<sup>st</sup> and 2<sup>nd</sup> Accused

Vs

The Inspector of Police,  
Kallal Police Station,  
Sivagangai District.  
(Crime No.189 of 2023).

... Respondent/Complainant

For Petitioners : Mr.S.Poornachandran,  
Advocate.

For Respondent : Mr.B.Nambiselvan,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime no.189 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 and 2, who were arrested and remanded to  
judicial custody on 19.12.2023 for the offence punishable under Sections 379 of IPC



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and 21(4) of Mines & Minerals (Development & Regulation Act), 1957, in Crime No.189 of 2023 on the file of the respondent Police, seek bail.

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2.It is the case of the prosecution that 1 unit of river sand has been illegally transported by the petitioners in their tractor.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioners are ready to deposit any amount to the District Mineral Foundation Trust without prejudice to their rights.

4.The learned Additional Public Prosecutor would submit that one previous case is pending against the petitioners. He further submitted 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.

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



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counsel for the petitioners, this Court is of the opinion that the petitioners are directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) jointly, to the credit of the concerned District Mineral Foundation Trust, without prejudice to their rights and contentions. This 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 bail.

7.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, I am inclined to grant bail to the petitioners.

8.Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate, Karaikudi, and on further condition that:



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(a) 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 make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) jointly, 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

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

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

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

sd/-  
10/01/2024

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10/01/2024  
Sub-Assistant Registrar ( )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SSB

TO

- 1 THE JUDICIAL MAGISTRATE,  
KARAIKUDI.
- 2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,  
SUB JAIL, RAMANATHAPURAM
- 4 THE INSPECTOR OF POLICE  
KALLAL POLICE STATION,  
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:  
THE CHAIRMAN/DISTRICT COLLECTOR,  
DISTRICT MINERAL FOUNDATION TRUST,  
SIVAGANGAI.



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ORDER  
IN  
CRL OP(MD) No.409 of 2024  
Date :10/01/2024

SS/SAR- /10/01/2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023