



CRL OP(MD). No.4709 of 2024

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

Date : 26/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD). No.4709 of 2024

1. Pasupathi
2. Gunasekar

... Petitioners / Accused No.1 and 2

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
Crime No.152/2024.

... Respondent/Complainant

For Petitioners : Mr.M.Prabu, 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.152/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested and remanded to judicial custody on 16.03.2024 for the alleged offence punishable under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957 in Crime No.152 of 2024, on the file of the respondent Police, seek bail.



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2. The case of the prosecution is that the petitioners have illegally transported 13 bags of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and hence, he prayed for bail. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- to the District Mineral Foundation Trust.

4. The learned Additional Public Prosecutor appearing for the respondent-Police would submit that the first petitioner is having two previous case of similar in nature and the second petitioner is having no previous case.

5. Heard the learned counsel on either side.

6. 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.10,000/- (Rupees Ten 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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7. 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.

8. Considering the facts and circumstances of the case, this court is inclined to grant bail to the petitioners, subject to the following conditions:

9. 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, Thiruvaiyaru, and on further conditions that:

(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.10,000/- (Rupees Ten 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;



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(c)the petitioners are directed to appear 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;

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

sd/-
26/03/2024

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26/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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- To
- 1.The Judicial Magistrate,
Thiruvaiyaru.
 - 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
 - 3.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
 - 4.The Officer Incharge,
Sub Jail, Thanjavur.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Chairman / District Collector,
District Mineral Foundation Trust,
Thanjavur District.

ORDER
IN
CRL OP(MD) No.4709 of 2024
Date :26/03/2024

ED/ /SAR- (26/03/2024) 5P / 7C

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