



CRL OP(MD) No.21838 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21838 of 2023

1 KALUNGADIAN @ RASU
2 SARAVANAKUMAR
3 KARNAN

... Petitioners / Accused No.1 to 3

Vs

THE SUB INSPECTOR OF POLICE
BAZAAR POLICE STATION,
RAMANATHAPURAM DISTRICT,
(CRIME NO.339/2023)

... Respondent / Complainant

For Petitioners : M/s.S.Nihar Ali, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (CrI. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.339/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent Police
for the alleged offence under Sections 379 IPC r/w Section 21(4) of Mines and



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Minerals (Development and Regulation) Act, 1957 in Cr.No.339 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegal transportation of one unit of river sand.

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, is ready to deposit the amount a sum of Rs.20,000/- to the Mineral Foundation Trust.

4.The learned Government Advocate (Crl.Side) submitted that the vehicle involved was seized by the respondent police and 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. Further, the third petitioner was arrested by the respondent Police.

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



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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 No.1 and 2 shall be 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. 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 No.1 and 2 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), since the third petitioner was arrested by the respondent Police, this petition is dismissed in respect of the third petitioner and this Court is inclined to grant anticipatory bail to the petitioner Nos.1 and 2 with certain conditions.

8.Accordingly, the petitioner Nos.1 and 2 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 No.I, Ramanathapuram, on condition that the petitioners No.1 and 2 shall execute a bond



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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 No.1 and 2 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 No.1 and 2 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 No.1 and 2;

(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 No.1 and 2 shall report before the respondent Police daily at 10.30 a.m. until further orders;

(e)the petitioners No.1 and 2 shall not tamper with evidence or witness either



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during investigation or trial;

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(f)the petitioners No.1 and 2 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 No.1 and 2 in accordance with law as if the conditions have been imposed and the petitioners No.1 and 2 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/-
03/01/2024

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

INDU

To

1.The Judicial Magistrate No.I,
Ramanathapuram.



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2. Do through the Chief Judicial Magistrate,
Ramanathapuram District.

3. The Sub Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

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

ORDER
IN
CRL OP(MD) No.21838 of 2023
Date :03/01/2024

ED/ VR /SAR- (09/01/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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