



CRL OP(MD) No.23183 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23183 of 2023

1 STALIN PRABHAKARAN

2 MANI ALIAS MANIKANDAN ... PETITIONERS / ACCUSED No.1 & 2
Vs

THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 246 OF 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MURUGESAN.D.R Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 246 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 and 2, who apprehend arrest at the
hands of the respondent police for the alleged offence punishable under Sections 379
of I.P.C. r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act,
1957 in Crime No.246 of 2023, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners were involved in illegal transportation of $\frac{1}{4}$ **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 would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.40,000/- 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.

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.40,000/- (Rupees Forty**



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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 District Munsif cum Judicial Magistrate, Peravurani, 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:



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(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 first petitioner shall make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) and the second petitioner shall make 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;

(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;



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(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/-
05/01/2024

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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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
PERAVURANI,
THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-236[I] dated 05/01/2024)

+1 CC to M/s.MURUGESAN.D.R, Advocate (SR-215[I] dated 05/01/2024)

ORDER
IN
CRL OP(MD) No.23183 of 2023
Date :05/01/2024

SS/DD/SAR- /11/01/2024/6P/8C

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