



CRL OP NO. 54 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

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CRL OP NO. 54 of 2025

1.R.Ravendiran

2.K.Srithar

petitioners(s)

Vs

The State rep. by its
Inspector Of Police,
Ulundurpet Police Station,
Kallakurichi District.

The

Respondent(s)

For petitioners(s):

B.S.Ravishankar

For Respondent(s):

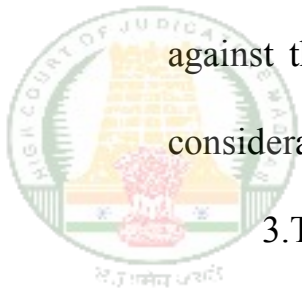
S.Santhosh

Government Advocate (criminal Side).

ORDER

Apprehending arrest in connection with Crime No.421 of 2019, registered for the offences punishable under Section 379 of IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in this case, learned counsel for the petitioners seeks indulgence of this court. He would submit that they are innocent and no way connected with this case. He would further submit that they are ready to abide by any stringent condition that may be imposed by this Court. He would further submit that they have one previous case



against them and without prejudice to his contentions, he is ready to deposit a considerable amount to any Charitable Institution.

3.The case of the prosecution as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the respondent caught the Tipper Lorry bearing Registration No.TN 36 W 6554 and found 2 unit of pebble stones, without any valid permit. He would further submit that the 1st petitioner is the owner of the lorry and the second petitioner is the driver of the vehicle. He would further submit that there is one previous case as against the petitioners.

4.Having heard the learned counsel for the petitioners, and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.In respect of grant or refusal of anticipatory bail to the persons indulging in illegal sand mining, smuggling and theft of sand and minerals, the Apex Court in S.Mohamed Shahul Hameed Vs. State rep. by the Inspector of Police (Special Leave to Appeal (Crl.) No.6029 of 2020 dated 11.12.2020), while expressing disagreement with the sweep observation made by this Court on the aspect of continuous misuse of discretionary power by the offenders and the enforcers as well in an organised manner, has clarified that in consideration of anticipatory



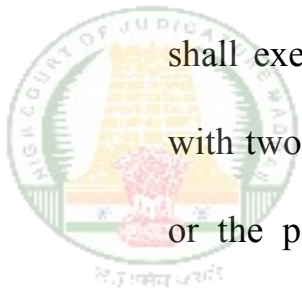
6. Taking into consideration the facts and circumstances of the case and sand involved is small quantity and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

However, in order to curb illegal sand mining activities and taking into consideration the voluntary submission made by the petitioners offering to deposit a considerable amount to any charitable organization or association, this Court is of the opinion that as one of the conditions for grant of anticipatory bail, the petitioners may be directed to make a non-refundable deposit of a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of "The District Legal Services Authority, Kallakurichi District", without prejudice to his rights and contentions before the trial Court.

7. It is made clear that merely because the petitioners is depositing the amount, it would not amount to the petitioners admitting his guilt in the criminal case and such amount is being paid without prejudice to the right of the petitioners.

8. Accordingly, the petitioners shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of the "The District Legal Services Authority, Kallakurichi District", and on such deposit and on receipt of proof of payment, the petitioners are ordered to be released on bail in the event of arrest or on his 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, Ulundurpet, on condition that the petitioners



shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen thousand) 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 said Magistrate, on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar Card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

20-01-2025

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2.The Inspector Of Police,
Ulundurpet Police Station,
Kallakurichi District.



3.The Public Prosecutor, High Court, Madras.

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A.D.JAGADISH CHANDIRA, J.

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