

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twenty Eighth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.1595, 1599 & 1602 of 2020

1 RAMESH KUMAR [PETITIONER IN CRL.O.P.NO.1595/2020]  
2 RAMASAMY NALLAGOUNDER  
3 PICHAIMANI SONAIMUTHU

1 R.ANBAZHAGAN [PETITIONER IN CRL.O.P.NO.1599/2020]  
2 BALASUBRAMANIAM

(\*)1 ARUNRAJ ARUCHAMY [PETITIONER IN CRL.O.P.NO.1602/2020]  
2 SUBRAMANIAM

Vs

STATE REP BY [RESPONDENT IN ALL THE PETITIONS]  
THE INSPECTOR OF POLICE,  
CHEYUR POLICE STATION,  
TIRUPPUR DISTRICT.  
CR.NOS.07/2020.

For Petitioner : M/S.S.VINOTH KUMAR Advocate  
[IN ALL THE PETITIONS]

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl.Side)  
[IN ALL THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 (NP) of IPC, in Crime No.7 of 2020, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are alleged to have transported 3.5 unit of Cravel sand illegally in their two tipper lorry without any valid licence. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence. He would also submit that a false case has been foisted against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the quantity of cravel sand involved is 3.5 unit. She would also submit that there are no previous cases pending against the petitioners. Hence, she opposed for grant of anticipatory bail to the petitioners.

5.In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, without prejudice to his rights and contentions before the trial Court.

6.Merely, because the petitioners have deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate, Avinashi, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed and 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 their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
28/01/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

**[\*]Amended and Time granted by this Court to comply with the conditions imposed vide order dated 28.01.2020 in Crl.O.P.No.1602 of 2020 is extended for a period of two weeks from the date of receipt of a copy of this order. as per order of this court dated 20.03.2020 made in Crl.M.P.NO.3396/2020 in Crl.O.P.No.1602/2020.**

TO

1 THE JUDICIAL MAGISTRATE,  
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
CHEYUR POLICE STATION,  
TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST,  
TIRUPPUR.

+1 CC to M/S.S.VINOTH KUMAR Advocate on payment of necessary charges SR.NO.5715

CRL OP.1595, 1599 & 1602/2020

Date :28/01/2020

TA-06/02/2020

TA-10/06/2020



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