

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.5966 of 2020

1 A.SETTU
2 E.PRASANTH

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT
CRIME NO.89 OF 2020.

[RESPONDENT]

For Petitioner : M/S.G.PUNNIAKOTI Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for alleged offences punishable under sections 430 & 379 I.P.C., r/w 21(5) Mines and Minerals Act r/w 3(1) of TNPPDL Act in Crime No.89 of 2020, the petitioners have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that, the petitioners/ A.2 & A.4 have transported sand without valid permission/Licence. Hence, the present case has been lodged against them.

3.Learned Additional Public Prosecutor appearing for the State would submit that the petitioners have transported three units of river sand from Palar and they have no previous case.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

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.45,000/- (Rupees Forty Five Thousand only) jointly as non refundable deposit to the credit of the concerned Chairperson, District Mines & Minerals Foundation Trust, without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners are going to deposit the said amount, it would not amount to admission of their 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 directed to deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand only) jointly as non refundable deposit to the credit of the concerned Chairperson, the District Mines & Minerals Foundation Trust and on such deposit 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, Arakkonam, on condition that each of the petitioners shall execute a 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 conditions 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 petitioners shall report before the respondent police as and when required for interrogation.

[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 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]**.

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

-sd/-
18/03/2020

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.

TO

1 THE JUDICIAL MAGISTRATE,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
VELLORE DISTRICT.

5 THE CHAIRPERSON,
THE DISTRICT MINES & MINERALS FOUNDATION TRUST,
VELLORE

+1CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges SR NO.5392

CRL OP.5966/2020

MK:24/03/2020

Date :18/03/2020

WEB COPY