

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6203 of 2020

KATHIRVEL

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

INSPECTOR OF POLICE
DHARAPURAM POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO. 113/2020

For Petitioner : M/S. M.GURUPRASAD Advocate

For Respondent : M/S. S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an offence punishable under Section 379 of IPC in Crime No.113 of 2020, seeks anticipatory bail.

2.It is the case of the prosecution that on 01.03.2020, the petitioner was alleged to have transported 5 units of river sand illegally and kept it in his house. The respondent received the information regarding the illegal possession of sand by the petitioner from the Sub Collector, Dharapuram. Hence, the respondent police conducted the investigation and seized the illegal sand hording. Hence, the complaint.

3.Learned counsel appearing for the petitioner would submit that the petitioner transported the sand and it is used only for his own use. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of river sand involved is 5 units. He would also submit that there is no previous case pending against him.

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 petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of the Madras Seva Sadan House for Destitute Children, Shenstone Park, 7 Harrington Road, Chetpet, Chennai -31, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner had 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 petitioner with certain conditions. Accordingly, the petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of the Madras Seva Sadan House for Destitute Children, Shenstone Park, 7 Harrington Road, Chetpet, Chennai -31 and on production of receipt for such deposit, the petitioner is 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, Dharapuram, on condition that the petitioner 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 petitioner 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 daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/03/2020

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE MADRAS SEVA SADAN HOUSE FOR DESTITUTE CHILDREN,
SHENSTONE PARK, 7 HARRINGTON ROAD,
CHETPET, CHENNAI -31.

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary charges SR.No.5513

WEB COPY

CRL OP.6203/2020

Date :19/03/2020

cs 04/06/2020