

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.6398 of 2020

1 VADIVEL
2 PERUMAL

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
SUNGUVARCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.
(CR.NO.0092 OF 2020)

For Petitioner : M/S. A.TAMIZHVANAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 430 and 379 of IPC later it was altered to Sections 430 and 379 of IPC r/w 21(2) Mines and Minerals (Development and Regulation) Act in Crime No.0092 of 2020, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners were illegally transporting half unit of Savudu Sand in their vehicle near Maduramangalam and the respondent police intercepted them and seized the vehicle. Hence, the complaint.

3.Learned counsel appearing for the petitioners would submit that the petitioners transported only half unit of sand for their own use and not for any other purpose. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Learned Additional Public Prosecutor(Crl.Side) appearing for the respondent submitted that the quantity of sand involved in this case is half unit. He would also submit that there is no previous case pending against them.

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.10,000/- (Rupees ten 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 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 directed to deposit a sum of Rs.10,000/- (Rupees ten Thousand only) as non refundable deposit 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 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 District Munsif cum Judicial Magistrate, Sriperumbudur on condition that the petitioners shall execute a separate 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, 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 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 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 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SUNGUARCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.

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

+1 CC to M/S. A.TAMIZHVANAN Advocate on payment of necessary charges SR.No.5517

WEB COPY

CRL OP.6398/2020

Date :19/03/2020

cs 04/06/2020