

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.6294 of 2020

1 E.THANIGAIMALAI

[PETITIONERS / ACCUSED]

2 KANNAN @ KANNAN PANDURANGAN

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE SUB-INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.135 OF 2020

For Petitioner : M/S.K.VENKAT 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 379, 430 of I.P.C., 1860 r/w 21(5) of Mines and Minerals Act in Crime No.135 of 2020, the petitioners have come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that, the petitioners/ A.1 & A.2 have transported small quantity of sand in a bullock cart for the purpose of house construction. 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 less than half unit of sand 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.5,000/- (Rupees 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.5,000/- (Rupees 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 district Munsif cum Judicial Magistrate, Kalasapakkam, 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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
KALAMBUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
TIRUVANNAMALAI.

+1 CC to M/S.K.VENKAT Advocate on payment of necessary charges
SR.No.5352

cs 23/03/2020

CRL OP.6294/2020

Date :18/03/2020



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