

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6595 of 2020

1 MAHENDRAN
2 ELANGO
3 THANANJAYAM
4 TAMILSELVAM
5 ARUNKUMAR
6 KANNADASAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY THE [RESPONDENT]
INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
NAGAPATTINAM DISTRICT,
(CR.NO.68 OF 2020).

For Petitioner : M/S. L.BASKARAN Advocate

For Respondent : MR.S.KARTHIKEYAN ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL 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 and 430 of IPC r/w 21(1) of Mines and Minerals (Development and Regulations) Act 1957, in Crime No.68 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 4 unit of sand illegally in their tipper lorries with JCB. Hence, the complaint.

3.Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.Learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners are illegally transported 4 unit of (savudu) sand in their tipper lorry with JCB. Hence, he opposed for grant of anticipatory bail to the petitioners.

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 Madras Seva Sadan Home for Destitute Children, Shenston 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) to the credit of the Madras Seva Sadan Home for Destitute Children, Shenston Park, 7, Harrington Road, Chetpet, Chennai-31, 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 Munsiff cum Judicial Magistrate, Tharangampadi, Nagapattinam District, 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

20/03/2020

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 MUNSIFF CUM
JUDICIAL MAGISTRATE,
THARANGAMPADI,
NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
NAGAPATTINAM DISTRICT, .

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

CC to M/S. L.BASKARAN Advocate on payment of necessary charges

WEB COPY

CRL OP.6595/2020

Date :20/03/2020

rd 08/06/2020