

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.6682 of 2020

PRASANTH

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY [RESPONDENT]
INSPECTOR OF POLICE
MELPATTI POLICE STATION,
VELLORE DISTRICT.
CRIME NO.81 OF 2020

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : MR. 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 the alleged offences punishable under Sections 379 and 430 of IPC r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act 1957 in Crime No.81 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is alleged to have transported 1 unit of river sand illegally in his Tractor and Trailer. 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 submitted that the petitioner had transported one unit of river sand in his Tractor and Trailer being registration No.TN 31 A 0394 without any valid license. He also submitted that there are no previous cases pending against the petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

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 be directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of 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 petitioner has 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.15,000/- (Rupees Fifteen 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 petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Gudiyattam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupee 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 petitioner 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 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 JUDICIAL MAGISTRATE,
GUDIYATTAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MELPATTI POLICE STATION,
VELLORE DISTRICT.

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

+1CC to T.MURUGANANTHAM Advocate on payment of necessary charges SR NO.5522

CRL OP.6682/2020

Date :20/03/2020

MK:30/06/2020

WEB COPY