

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.7030 of 2020

1. Velmurugan ...Petitioners
2. Sekar
3. Panneersselvam
4. Mani
5. Venkatesan

Vs.

The State rep. by ...Respondent
Sub Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Crime No.190 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.190 of 2020 on the file of the Sub Inspector of Police, Virudhachalam Police Station, Cuddalore.

For Petitioner : Mr.M.Selvam.

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under **Sections 379 and 430 of IPC and 21(1) Mines and Minerals (Development and Regulation) Act in Crime No.190 of 2020** on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that each petitioner was found transporting ½ unit of river sand by using bullock carts without any valid licence. Hence the complaint.

3. According to the petitioners, the petitioners are in no way connected with the alleged offences and they have been falsely implicated in the case on hand and he would submit that there is no previous case against the petitioners. On instruction, he would further submit that the petitioners are prepared to deposit an amount of Rs.5,000/- each, as non refundable deposit to **the concerned District/Taluk Legal Services Authority** and prayed for grant of Anticipatory Bail.

4.The learned Additional Public Prosecutor submitted that each petitioner was found transporting ½ unit of river sand. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. In view of the fact that there is no previous case against the petitioners 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) each** as non refundable deposit to the **concerned District / Taluk Legal Services Authority** and the receipt of such payment shall be produced before the concerned Magistrate at the time of executing bail bond without prejudice to his rights and contentions before the trial Court.

6.Merely, because the petitioners 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) each**, as non refundable deposit to the **concerned District / Taluk Legal Services Authority** 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 Judicial Magistrate-I, Virudhachalam**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **one surety** 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 deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only) each**, as non refundable deposit to **concerned District / Taluk Legal Services Authority**

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/06/2020

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,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

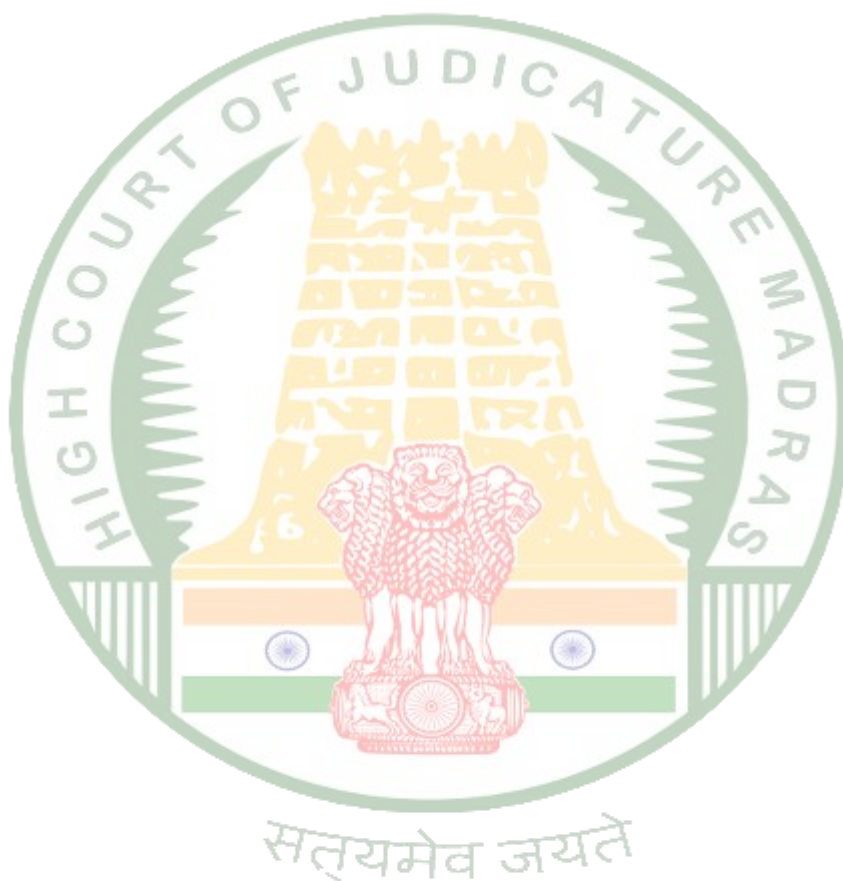
5 THE SECRETARY,
THE DISTRICT/TALUK LEGAL SERVICES AUTHORITY
HIGH COURT, MADRAS.

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

CRL OP.7030/2020

Date :01/06/2020

TA-10/06/2020



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