

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.No.7475 of 2020

Parthiban

...Petitioner

Vs.

The State represented by

The Inspector of Police

Nellikuppam Police Station, Cuddalore District

...Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Cr.PC, seeking bail to the Petitioner in the event of his arrest in Crime No. 336 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.C.Vishwanath

For Respondent : Mr.ShunmugaRejeswaran
Public Prosecutor

ORDER

Apprehending arrest for the offences punishable under Sections 379, 431 IPC r/w Section 21(1) of Mines and Mineral Act, in Crime No. 336 of 2020 on the file of the respondent police, the petitioner has come forward with this petition seeking for Anticipatory Bail.

2. Briefly stated, according to the prosecution, the petitioner without any sanction and authority, along with A1, had lifted the sand unauthorisedly and thereby committed the offences put forth against him.

3. According to the petitioner's counsel, the case has been falsely

foisted against him and he has not committed any offence and ready to cooperate with the investigation and sought for the relief prayed for.

4. Per contra, according to the learned Public Prosecutor, the sand involved in the occurrence is half a unit and the investigation is still pending and further it is put forth by him that no previous case is pending against the petitioner and prayed that this court, in the event of granting the relief sought for by the petitioner, may impose appropriate conditions with reference to the same.

5. Considering the nature of the accusation levelled against the petitioner and inasmuch as the quantum of sand involved in this occurrence is half a unit and as no previous case is pending against the petitioner and further as the petitioner is ready to cooperate with the investigation in all aspects, I am inclined to grant the relief sought for by the petitioner on conditions.

6. For the reasons aforesaid, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of copy of this order before the Judicial Magistrate Court No.I, Cuddalore, on condition of his

(i) executing a bond for Rs.10,000/- (Rupees Ten thousand) with

one surety for a like sum to the satisfaction of the respondent police or the police officer who arrests him or the aforesated Judicial Magistrate and

(ii) depositing a sum of Rs.8,000/- (Rupees eight thousand) before the District Mineral Foundation, Cuddalore District, within one week from the date of receipt of a copy of this order and

(iii) further the petitioner is directed to adhere to the conditions set out under Section 438 Cr.Pc.

Accordingly, the Criminal Original Petition is allowed.

08.05.2020

Index : Yes/No

Internet : Yes/No

Bga

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T.RAVINDRAN, J

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To

1. The Inspector of Police

Nellikuppam Police Station, Cuddalore District

2. The Public Prosecutor, High Court, Madras



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