

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7686 of 2020

Selvam,
S/o. Kailasam,
Door No.3/485,
Akkarai New Street,
Ammaiyappan,
Kodaivasal Taluk,
Tiruvarur District 613 701.

.. Petitioner/ Accused

Vs.

The State rep. by its
Inspector of Police,
Koradachery Police Station,
Thiruvarur District.
[Crime No. 552 of 2020]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under Section 438 of Criminal Procedure Code.

For Petitioner : Mr. V. Thiyagarajan

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Section 379 of I.P.C., r/w. Section 21 (1), Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.552 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.04.2020, the de-facto complainant and his Police party while checking the vehicles, intercepted the lorry bearing Registration No. TN-50-L-7635. The petitioner stopped the vehicle and ran away from the place of occurrence. It was found that the petitioner was transporting one unit of river sand without any permission to sell the same illegally. A case has been registered under Section 379 of I.P.C., r/w. Section 21 (1), Mines and Minerals (Development & Regulation) Act, 1957.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an agriculturist and used his vehicle only for agricultural purpose. The petitioner has not transported the river sand as alleged by the

prosecution. He has not committed any offence and he has been falsely implicated in this case by the respondent police. The learned counsel appearing for the petitioner submitted that the petitioner will furnish sureties and abide by any conditions imposed by this Court and prayed for granting anticipatory bail.

4. Learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner transported one unit of river sand without any permission and licence. The petitioner is absconding, investigation is pending and prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6. Considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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 Court of Judicial Magistrate, Tiruvarur, on the following conditions:

(i) the petitioner executes a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Tiruvarur;

(ii) the petitioner deposits a sum of Rs.15,000/- (Rupees Fifteen Thousand only) before the District Mineral Foundation, Thiruvarur, within one week from the date of receipt of a copy of this order and

(iii) the petitioner appears before the respondent police once in a week on every Monday.

7. In the result, the Criminal Original Petition is allowed.

सत्यमेव जयते

19.05.2020

Index : Yes / No

gsa/kj

To

1.The Inspector of Police,
Koradachery Police Station,
Tiruvarur District.

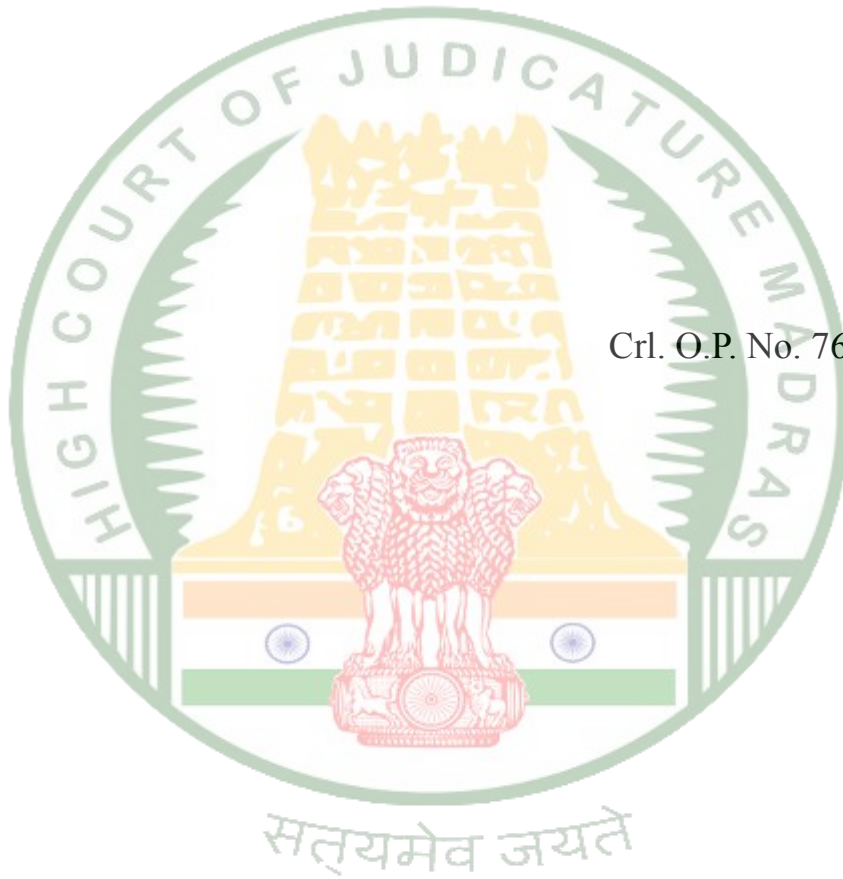
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

gsa



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