

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7690 of 2020

Karthi @ Karthick
S/o. Kanagaraj,
Thiruvasal Street,
Pulivalam Village,
Thiruvarur Taluk,
Tiruvarur District.

.. Petitioner/ Sole Accused

Vs.

The State rep. by its
Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
[Crime No. 129 of 2020]

.. Respondent/ Complainant

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

For Petitioner : Mr.Swami Subramanian

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) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No. 129 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 17.03.2020, at about 11.00 p.m., when the de-facto complainant and his police party, on patrol duty, stopped the lorry bearing Registration No. TN-28-AA-3738, the petitioner, who is the driver of the lorry ran away from the place of occurrence. It was found that the petitioner was transporting two units of river sand without any permission or licence and a case was registered under Section 379 of I.P.C. r/w. Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957.

3. Learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated by the de-facto complainant with a

view to create bad antecedent to the petitioner. The petitioner is a permanent resident and he will not abscond from the place. The petitioner will co-operate with the investigation and prayed for granting anticipatory bail.

4. Learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner transported two units of river sand without any permission, affecting the water source. The 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, Thiruvarur, Thiruvarur District, 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, Thiruvarur, Thiruvarur District,;

(ii) the petitioner deposits a sum of Rs.30,000/- (Rupees Thirty Thousand only) before the District Mineral Foundation, Thiruvarur District, 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.

19.05.2020

Index : Yes / No
gsa/kj

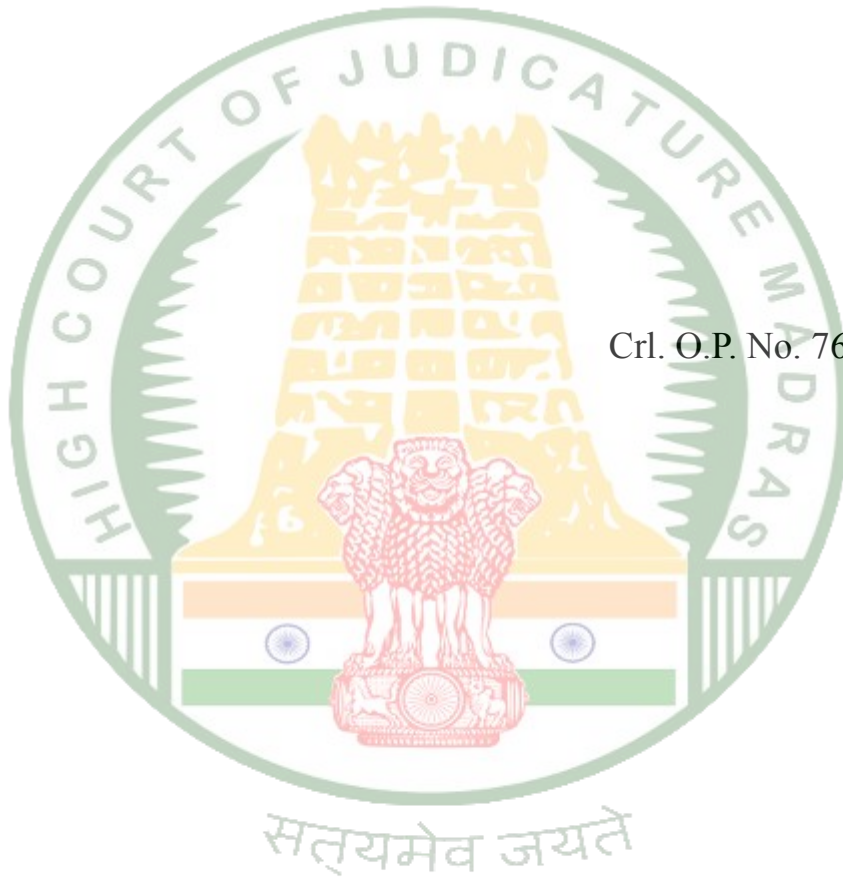
To

1.The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court, Madras.

V.M.VELUMANI, J.,

gsa



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