

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7693 of 2020

1.Chandrasaekar @ Chandru,
S/o. Ganesamoorthy,
Kodikalam Village,
Tittagudi Village,
Cuddalore District.

2.Sathish,
S/o. Pazhamalai,
Kodikalam Village,
Tittagudi Village,
Cuddalore District.

3.Dharmarasan @ Karthik,
S/o. Mani,
Thiruvadurai Village,
Tittagudi Taluk,
Cuddalore District.

4.Siva,
S/o. Sivakumar,
Neyvasal Village,
Tittagudi Village,
Cuddalore District.

.. Petitioners/ Accused – 5 to 8

Vs.

The State rep. by its
Inspector of Police,
Avinankudi Police Station,
Cuddalore District.
[Crime No. 123 of 2020]

.. Respondent/ Complainant

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

For Petitioners : Mr. G.S. Magesh,
for M/s. M. Shahjahan

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for alleged offence punishable under Section 379 of I.P.C. and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.123 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 19.04.2020, when the de-facto complainant and Village Assistant were checking the vehicle, it was found

that in an un-registered tipper Lorry, the petitioners and others were transporting alluvial soil illegally without any permission and license. The petitioners and other accused on seeing the de-facto complainant, ran away from the place of occurrence and left the vehicle. The un-registered tipper lorry and other vehicles with soil were seized and handed over to the respondent police. On complaint, a case has been registered under Section 379 of I.P.C. and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957.

3. Learned counsel appearing for the petitioners submitted that the petitioners who are A5 to A8 are the owners of the vehicles and they have not committed any offence. The petitioners were doing agricultural work in the land of one Adhimoolam, who is the fourth accused. The petitioners are innocent and they will 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 petitioners without any permission and licence,

transported the soil. The investigation is pending and prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioners 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 petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within 15 days from the date of receipt of copy of this order before the Court of Judicial Magistrate, Tittakudi, on the following conditions:

(i) each of the petitioners execute 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, Tittakudi;

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

(iii) the petitioners appear before the respondent police once in a week on every Monday.

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

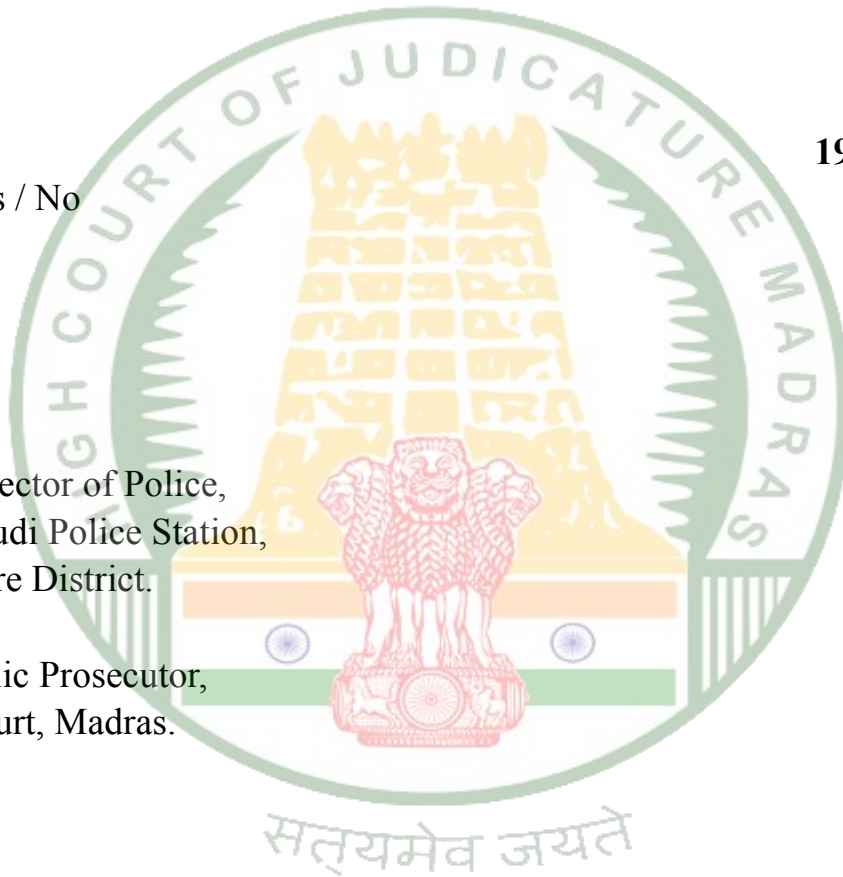
19.05.2020

Index : Yes / No
gsa/kj

To

1.The Inspector of Police,
Avinankudi Police Station,
Cuddalore District.

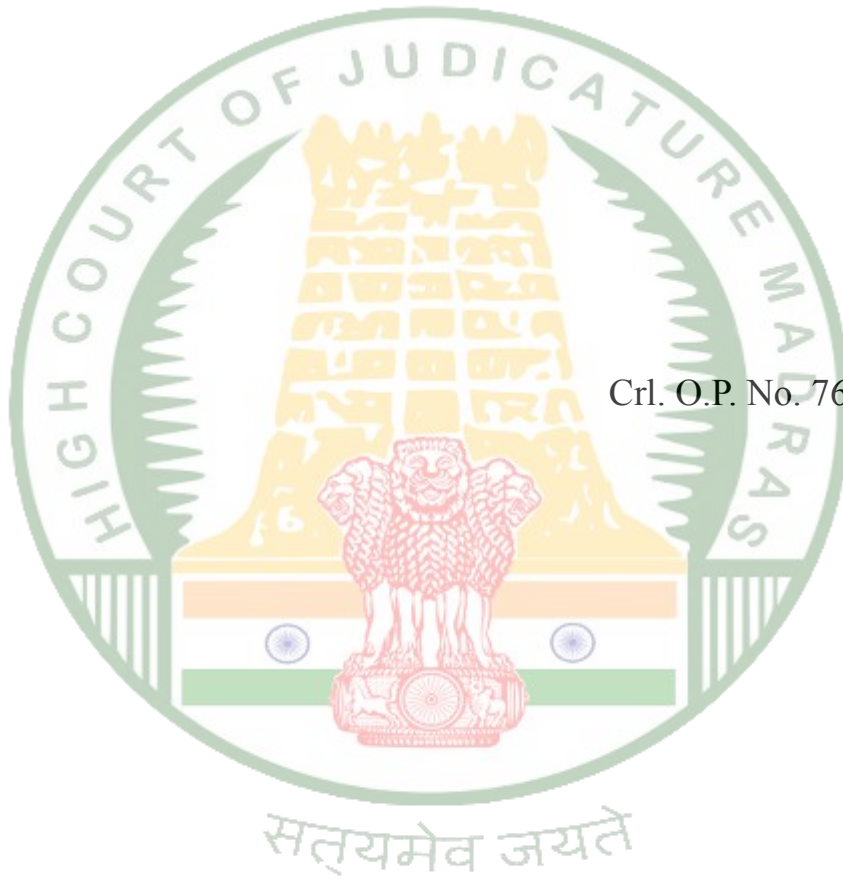
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

gsa



Crl. O.P. No. 7693 of 2020

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