

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2020

CORAM:

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

Crl. O.P. No. 7695 of 2020

1.Rajasekar,  
S/o. Palanivel,  
Kodikalam Village,  
Tittagudi Taluk,  
Cuddalore District.

2.Adhimoolam,  
S/o. Marudhai,  
Neyvasal Village,  
Tittagudi Village,  
Cuddalore District.

.. Petitioners / Accused – 3 & 4

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 are owners of the vehicle and land respectively and they have not committed any offence. The petitioners were doing agricultural work in the land of the 2<sup>nd</sup> petitioner, they 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

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To

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

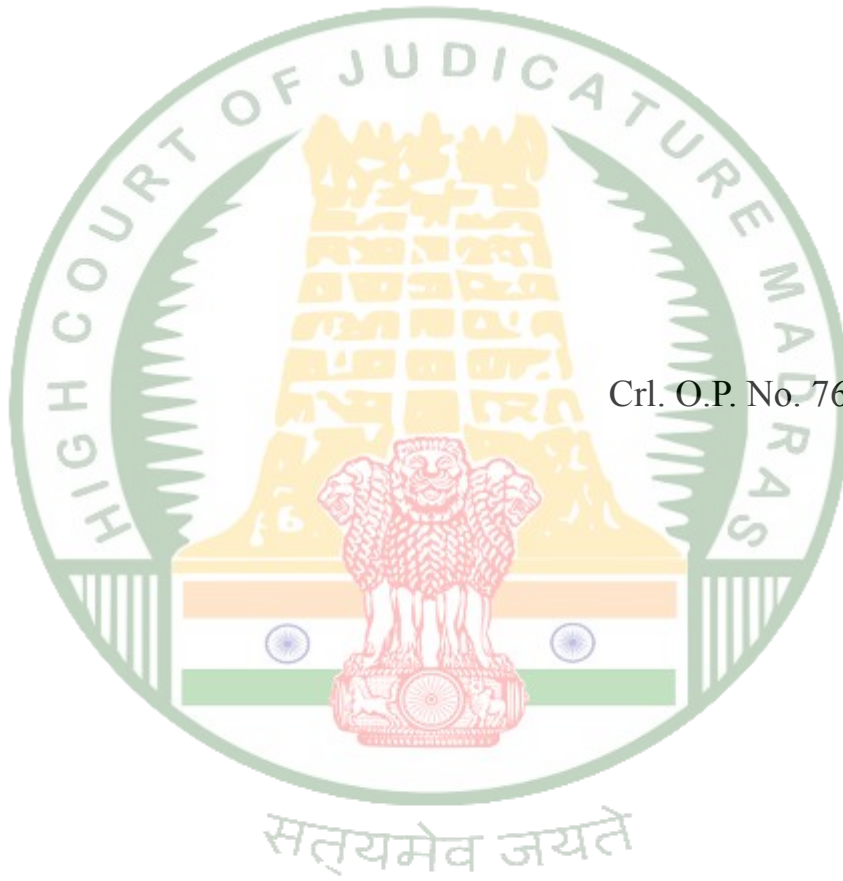
2.The Public Prosecutor,  
High Court, Madras.



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**V.M.VELUMANI, J.,**

gsa



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