

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.05.2020

THE HON'BLE MR.JUSTICE T.RAVINDRAN

CRL.OP.No.7560 of 2020

T. Abishek

...Petitioner

Vs.

The State represented by

The Inspector of Police

Karuveppilankuruchi Police Station

Karuveppilankuruchi, 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. 103 of 2020, on the file of the respondent police.

For Petitioner : Mr.K. Anbuselvan

For Respondent : Mr.ShunmugaRejeswaran
Government Advocate (Criminal Side)

ORDER

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Apprehending arrest for the offences punishable under Sections 294(b), 353, 307, 379, 430 IPC and 21 (1) Mines and Minerals (Developments and Regulation) Act 1957, in crime No. 103 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 and the other accused without any sanction and authority, had lifted the sand unauthorisedly and thereby committed the offences put forth against them.

3. According to the petitioner's counsel, the case has been falsely foisted against him and he has not committed any offence and further would state that the first accused had been granted interim bail by the Sessions Court and the petitioner is ready to cooperate with the investigation and abide with any condition that may be imposed by this court and sought for the relief prayed for.

4. Per contra, according to the learned Public Prosecutor, the petitioner / A2 along with A1 had lifted three units of sand illegally and also endeavoured to prevent the defacto-complainant from discharging his duties and also attempted to run over him by the vehicle and also the investigation is still pending and further would admit that A1 had already been granted interim bail and further would state that no previous case is pending against the petitioner and accordingly submitted that in the event of this Court 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 the fact the A1 had already been granted interim bail by the Sessions Court and inasmuch as the quantum of sand involved in this occurrence is three units 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, considering the abovesaid factors in toto, 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 – II, Virudhachalam, 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 arrest him or the aforesaid Judicial Magistrate and

(ii) depositing a sum of Rs.30,000/- (Rupees Thirty thousand) before the District Mineral Foundation, Cuddalore District, within one week from the date of receipt of a copy of this order and

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

Accordingly, the Criminal Original Petition is allowed.

14.05.2020

Index : Yes/No
Internet : Yes/No

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T.RAVINDRAN, J

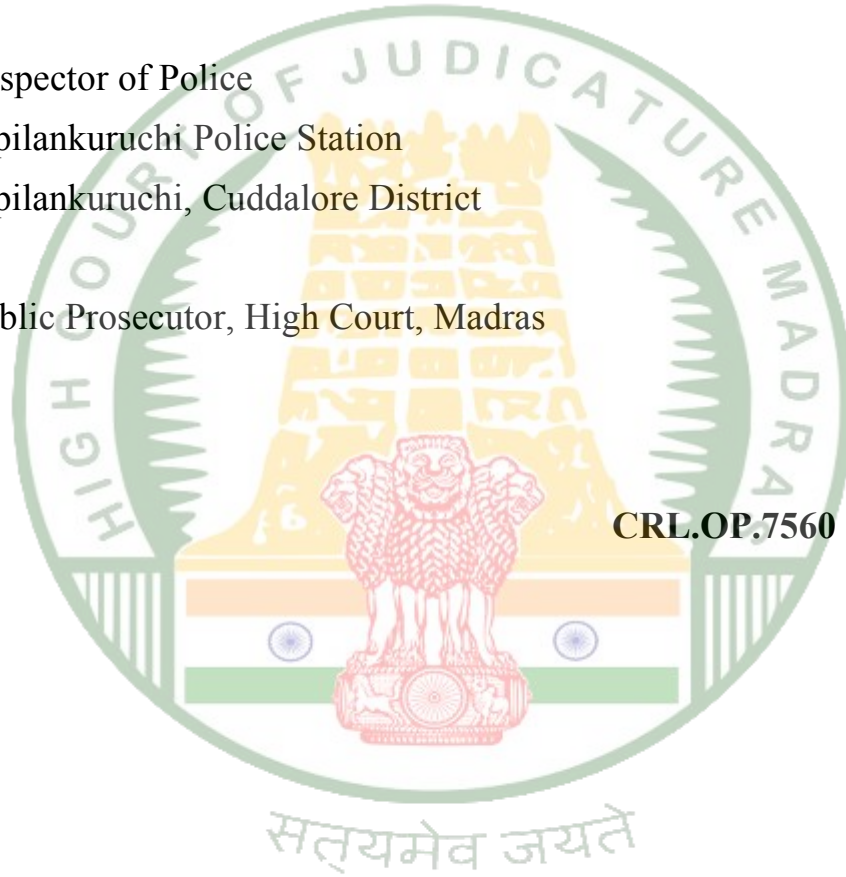
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To

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

2. The Public Prosecutor, High Court, Madras

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