

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 7645 of 2020

1.A. Tamizhselvan,
S/o. Appavu,
No.139A, South Street, Melrippu,
Kiliruppu, Panruti,
Cuddalore District 607 103.

2.Arun @ Sivamani,
S/o. Gnanasekaran,
No. 6, North Street, Melrippu,
Kiliruppu, Panruti,
Cuddalore District 607 103.

.. Petitioners/
Accused -1 &2

Vs.

The State rep. by its
The Station House Officer,
Kadampuliyur Police Station,
Cuddalore District.
[Crime No. 168 of 2020]

.. Respondent/ Complainant

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

For Petitioners : Mr. K. Balasubramaniam

For Respondent : Mr. T. Shunmuga Rajeswaran
Government Advocate (Crl. side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 430, 379 I.P.C. r/w 21(1) Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.168 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that while the de-facto complainant, and his Police party was conducting routine check to stop illegal transportation of sand, on seeing the Police party, the petitioners left the two-wheeler and ran away from the place of occurrence. On search, it was found that they were carrying 3 bags of river sand from the river without any valid licence. On complaint, a case has been registered against the petitioners under Sections 430, 379 I.P.C. r/w 21(1) Mines and Minerals (Development & Regulation) Act, 1957.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners are involved in farming activities. On the date of occurrence, while the petitioners were returning with m-sand for construction, the respondent police intercepted and seized the vehicle alleging that the petitioners have been illegally transporting the river sand and foisted a false case against the petitioners. The petitioners are permanent residents of the village and they will not abscond. Further, the learned counsel appearing for the petitioners submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court and prayed for granting anticipatory bail.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners have committed serious offence of illegally mining the river sand to sell the same in the market for profit, affecting the water source. 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 Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record.

6. Considering the facts and 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 learned Judicial Magistrate No.II, Panruti, on the following conditions:

(i) 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 respondent police or the police officer who arrest them or the aforesaid Judicial Magistrate;

(ii) Each of the petitioners deposit a sum of Rs.5,000/- (Rupees Five 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) Petitioners appear before the respondent police as and when required.

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

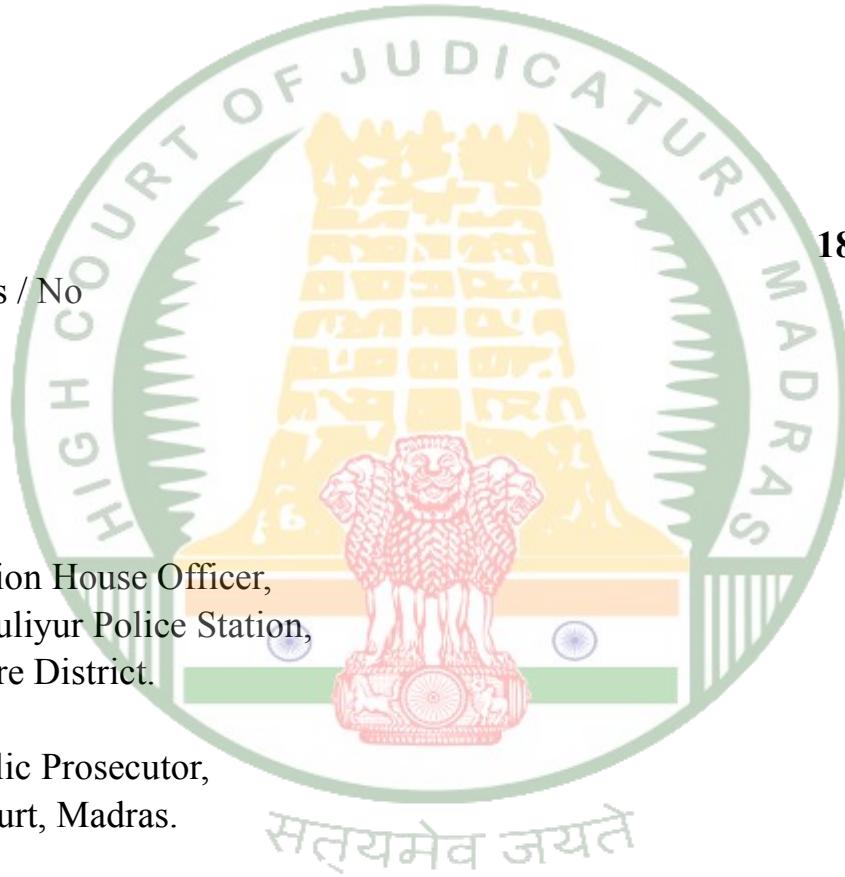
18.05.2020

Index : Yes / No
gsa/kj

To

1.The Station House Officer,
Kadampuliyur Police Station,
Cuddalore District.

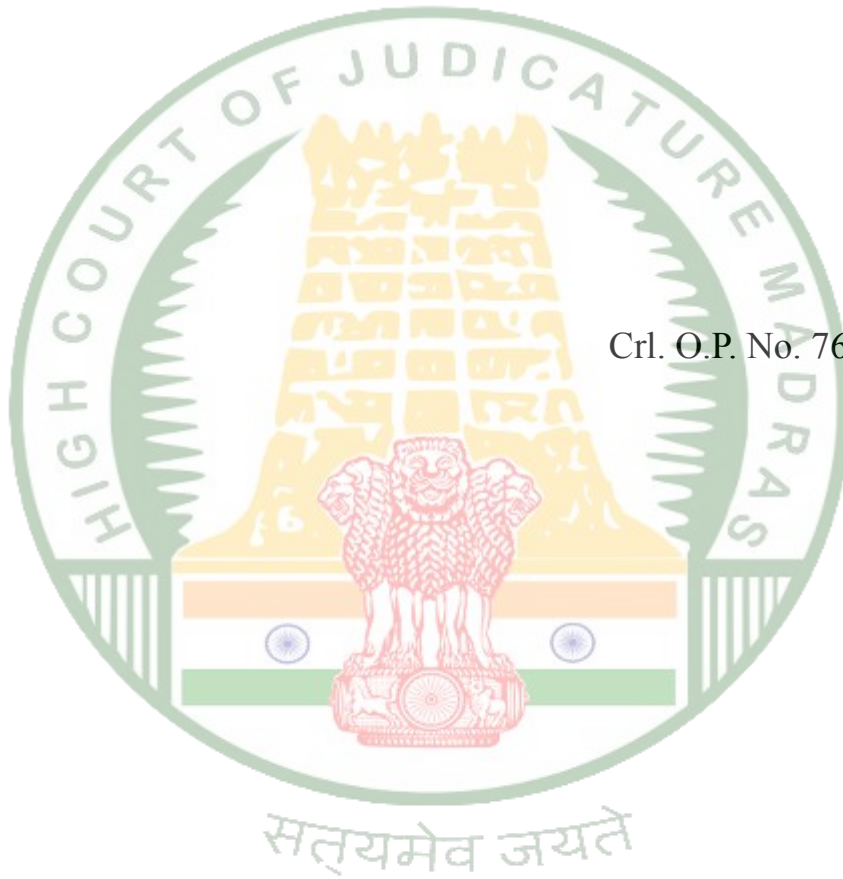
2.The Public Prosecutor,
High Court, Madras.



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V.M.VELUMANI, J.,

gsa/kj



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