

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7648 of 2020

Kumar

S/o. Kaliaperumal,

No.2/192, South Street,

Devangudi, Kezhpalaiyur,

Viruthachalam Taluk,

Cuddalore District - 606 103.

.. Petitioner/Accused

Vs.

The State,

The Inspector of Police,

Kammapuram Police Station,

Cuddalore District.

Respondent/Complainant

(Crime No.201 of 2020)

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

For Petitioner : Mr.K.Balaji

For Respondent : Mr.T.Shunmuga Rajeswaran

Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for alleged offence punishable under Sections 379 & 430 of I.P.C. and Section 21(1) of MM Act in Crime No.201 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on secret information that river sand is being illegally transported, the defacto complainant along with Police party found one Shankar and petitioner had transported the river sand without permission. On seeing the Police party, the petitioner and said Shankar ran away from the place of occurrence. The Police party seized the bullock cart, arrested the said Shankar, the petitioner escaped and they registered a case under Sections 379 & 430 of I.P.C. and Sections 21(1) of MM Act.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a permanent resident, a respectable person, he is innocent and his

name is falsely implicated in the F.I.R. A1/Shankar was arrested in the same case and enlarged on bail in Crl.M.P.No.2612 of 2020 before the Principal Sessions Court, Cuddalore on 06.05.2020. The petitioner filed an application for anticipatory bail in Crl.M.P.No.2728 of 2020 before the Principal Sessions Court, Cuddalore and the same was dismissed on 08.05.2020. He further submitted that the petitioner is ready to abide by any conditions imposed by this Court and furnish substantial sureties and prayed for granting anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and A1/Shankar have committed serious offence of illegally mining the river sand affecting the water source, sell it in the open market and caused loss to the Government. He further submitted that investigation is pending and prayed for dismissal of the petition.

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5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl. Side) appearing for the respondent Police

and perused the materials available on record.

6.Considering the nature of offences and the fact that A1 Shankar was enlarged on bail on 06.05.2020 in Crl.M.P.No.2612 of 2020 before the Principal Sessions Court, Cuddalore, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be enlarged on bail in the event of his arrest on his appearance, within 15 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhachalam, on the following conditions:

(i)The petitioner executes a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or the Police Officer who arrests him or the aforementioned Judicial Magistrate;

(ii) The petitioner deposits of Rs.10,000/- (Rupees Ten Thousand only) to the credit of “District Mineral Foundation, Cuddalore District” within one week from the date of receipt of a copy of this order and

(iii)The petitioner appears before the respondent Police as and when required for interrogation.

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

18.05.2020

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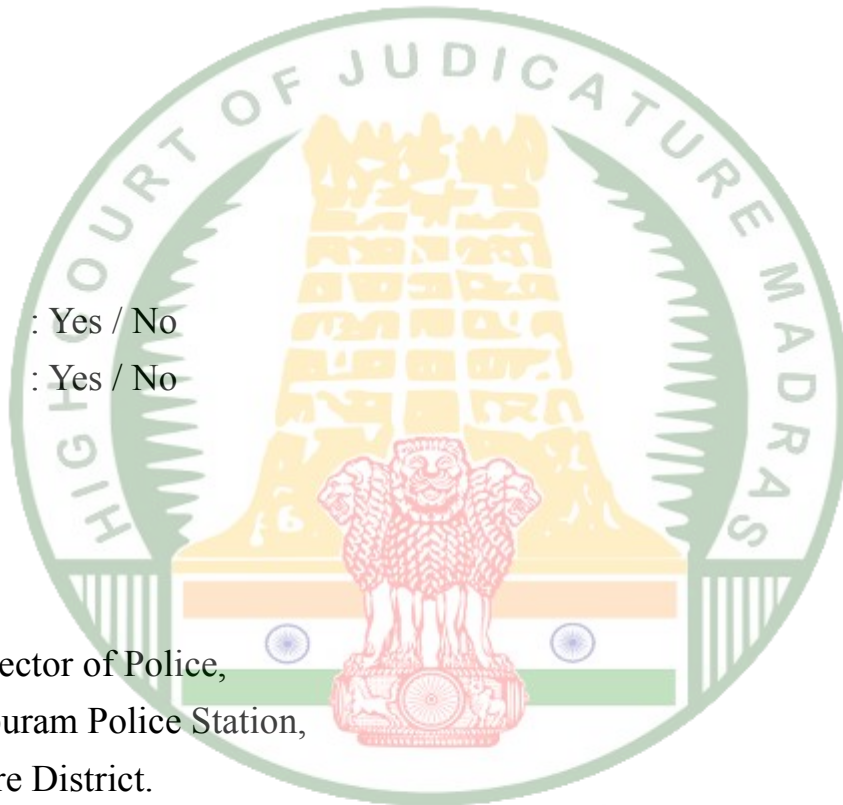
Index : Yes / No

Internet : Yes / No

To

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

2.The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

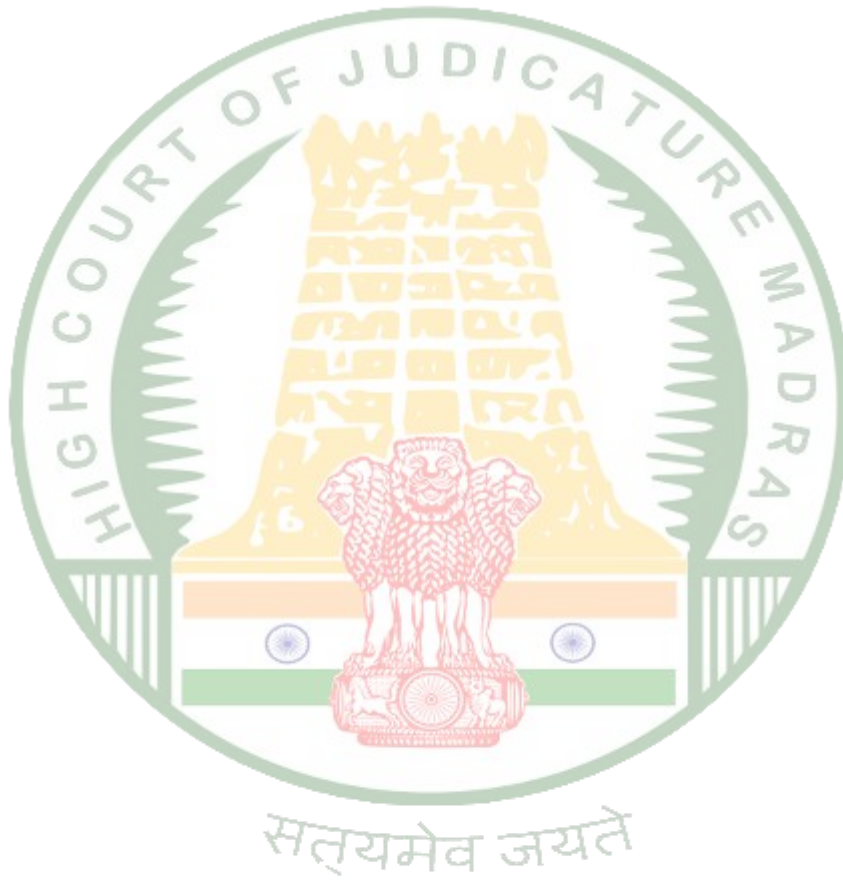
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