

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7649 of 2020

Maharaja
S/o. Gandhi,
No.140, Road Street,
Gopalapuram Post,
Gopalapuram,
Cuddalore District - 607 103.

.. Petitioner/Accused

Vs.

The State,
The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
(Crime No.185 of 2020)

.. Respondent/Complainant

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 Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.185 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receipt of secret information that river sand is illegally mined and sold in the open market, the defacto complainant and his Police party found that petitioner was transporting 100 kg of river sand in a two wheeler bearing Registration No.TN 31 AL 6151. On seeing the defacto complainant and his Police party, the petitioner left the two wheeler and sand and ran away from the place of occurrence. The respondent Police registered a case against the petitioner under Section 379 & 430 of I.P.C. and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a permanent resident, respectable person in the locality, he is innocent and his name is falsely implicated in this case. The petitioner is ready to abide by any conditions imposed by this Court and prayed for granting anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner has committed serious offence of transporting river sand illegally, affecting the water source. He further submitted that the petitioner has no previous case. However, investigation is pending and prayed for dismissal of the petition.

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 facts of the case and nature of offences, this Court is

inclined to grant anticipatory bail. Accordingly, 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 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 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)The petitioner appears before the respondent police as and when required for interrogation.

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

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Index : Yes / No

Internet : Yes / No

Speaking/Non-speaking order

To

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

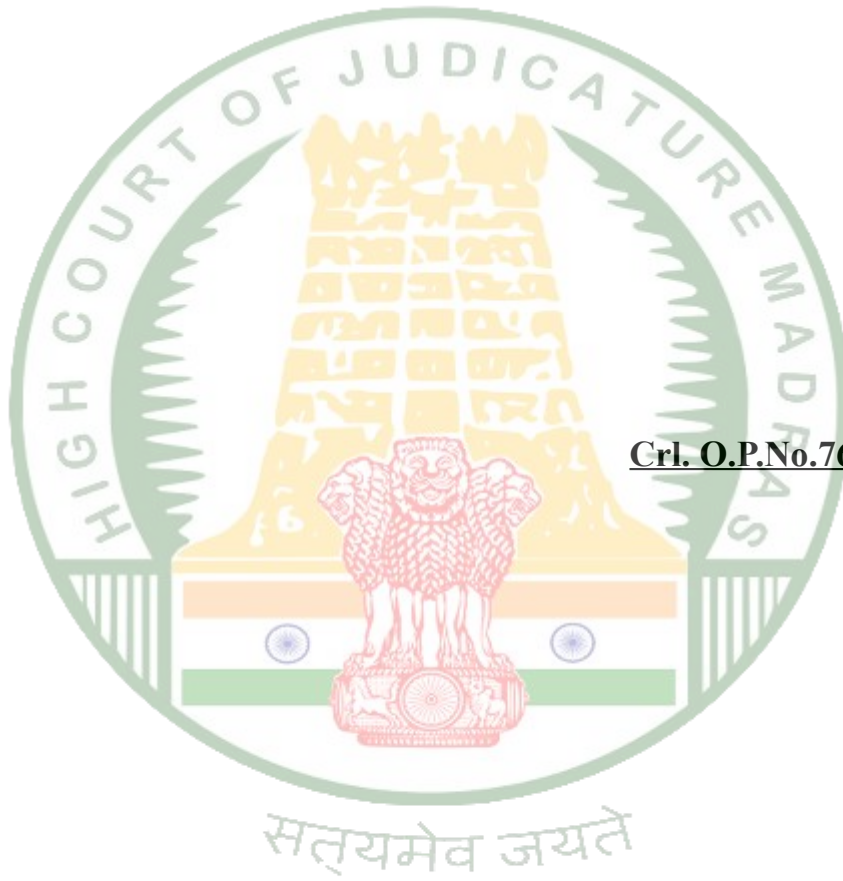
2.The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

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