

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7650 of 2020

Venunathan
S/o Ramachandran,
Sundaravandi Village and Post,
Panrutti Taluk,
Cuddalore District.
Petitioner/Accused - 1

Vs.

State Represented by,
The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.
Respondent/Complainant
(Crime No.336 of 2020)

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

For Petitioner : Mr.K.Gandhi Kumar
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 431, 379 of I.P.C. r/w Section 21 of Mines and Minerals Act in Crime No.336 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner without permission, removed and transported the mud from his land to another land, which is 500 meters away from his land, for manufacturing bricks in Bricklin, which he is running without permission, damaged the river bed for transportation of mud and bricks. On complaint, a case has been registered under Sections 431, 379 of I.P.C. r/w Section 21 of Mines and Minerals Act.

3.The learned counsel appearing for the petitioner submitted that the petitioner is owner of the land, he levelled his land by using the JCB and kept

the extra mud in another land. The petitioner is not connected with the alleged offence. A false complaint has been given by the defacto complainant against the petitioner. The learned counsel appearing for the petitioner further submitted that 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 without permission, the petitioner is running bricklin and damaged the river bed, which was levelled by the Public Works Department with a view to transport the mud and bricks. He further submitted that 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.I, Cuddalore, 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.10,000/- (Rupees Ten 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.

krk/kj

Index : Yes / No

Internet : Yes / No

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18.05.2020

To

1.The Inspector of Police,
Neyveli Town Police Station,
Cuddalore District.

2.The Public Prosecutor,
High Court,
Madras.



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V.M.VELUMANI, J.,

krk/kj



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