

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P.No.7813 of 2020

P.Raman (Male/62),
S/o.Pakkirisamy,
Thapalmpuliyur,
Thiruvarur.

.. Petitioner/Accused

Vs.

State represented by the
Sub-Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.

.. Respondent/Complainant

(Crime No.352 of 2020)

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

For Petitioners : Mr.P.Muthamizhselvakumar

For Respondent : Mr.M.Jothikumar

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under Section 379 of Indian Penal Code, 1882 and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.352 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant and others were checking vehicles on 09.04.2020 at Thappalampuliur Raman Canal backside, on seeing the Police, the driver of the unregistered 407 van stopped the vehicle and driver and another person ran away from the place of occurrence. On search it was found that 1 ½ unit of river sand was being transported without permission or license. On complaint, case has been registered under Section 379 of Indian Penal Code, 1882 and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957.

3.The learned counsel appearing for the petitioner submitted that the petitioner was not present in the place of occurrence. There is a dispute

between the petitioner and Sub-Inspector of Police. The petitioner sent a complaint to the Higher Official and due to that the petitioner is falsely implicated in this case. The learned counsel appearing for the petitioner on instructions further submitted that in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.30,000/- to the Chief Minister Public Relief Fund and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that 1 ½ unit of river sand was being transported without permission and license. Investigation is pending and prayed for dismissal of the petition.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

6.Considering the nature of offence and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail to the

petitioner with certain conditions. 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 Court of Judicial Magistrate, Thiruvarur, on condition that the petitioner shall execute a bond for a sum of 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 intends to arrest or to the satisfaction of the Judicial Magistrate, Thiruvarur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) The petitioner shall deposit a sum of Rs.30,000/- (Rupees thirty thousand only) by Demand Draft in favour of the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund (CMPRF), Finance Department, Government of Tamil Nadu, Secretariat, Chennai 600 009 or by Electronic Clearing System (ECS) to the Savings Bank Account No. 11720 10000 00070 of CMPRF to the Indian Overseas Bank, Secretariat Branch, Chennai 600 009 bearing IFSC Code IOBA0001172 and CMPRF PAN – AAAGC0038F, towards the fund collected for COVID-19, within a period of

one week from the date of receipt of a copy of this order.

(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities;

(iii)The petitioner shall report before the respondent Police once in a week on every Monday at 10.30 a.m., until further orders;

(iv)The petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(vi)If the accused thereafter absconds, a fresh First Information Report can be registered under Section 229A of IPC.

7.Accordingly, the Criminal Original Petition is allowed.

26.05.2020

krk

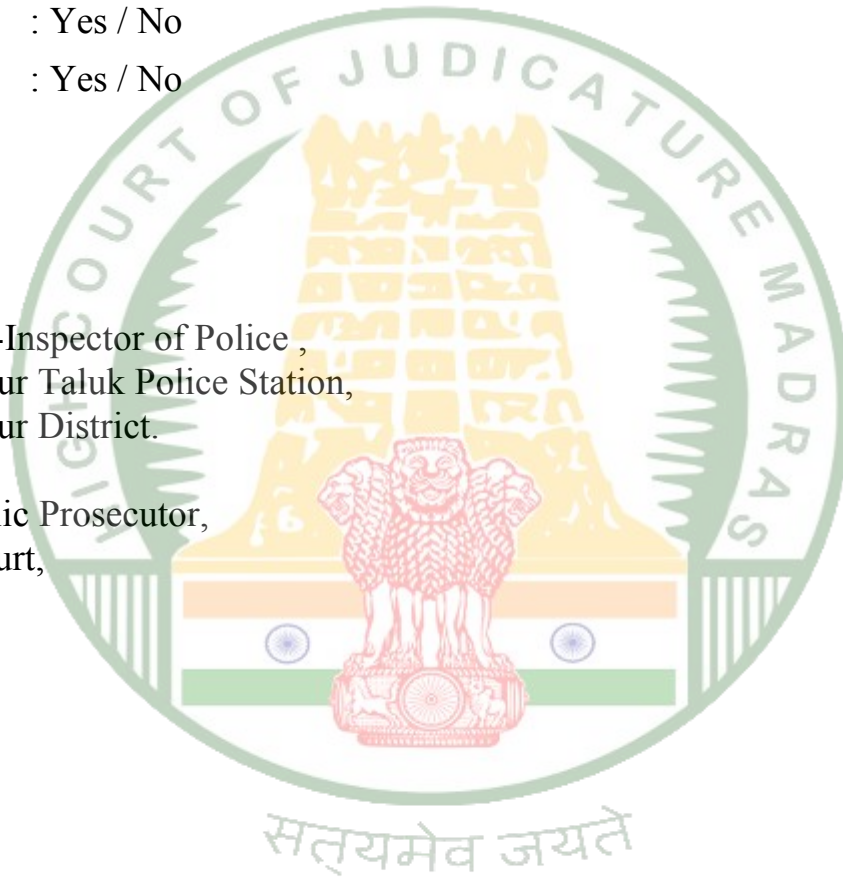
Index : Yes / No

Internet : Yes / No

To

1.The Sub-Inspector of Police ,
Thiruvarur Taluk Police Station,
Thiruvarur District.

2.The Public Prosecutor,
High Court,
Madras.



WEB COPY

V.M.VELUMANI, J.,

krk



Crl. O.P.No.7813 of 2020

WEB COPY

26.05.2020