

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8142 of 2020

1.Karunanithi
2.Veerathamizhan
3.G.Mathanagopal

.. Petitioners/A1,A2&A3

..Vs..

The State Rep.by
The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.
(Crime No.237 of 2020)

.. Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.237 of 2020 on the file of the Respondent Police.

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For Petitioners

: Mr.U.Kathiravan

For Respondent

: Mr.K.Prabakar,
Addl. Public Prosecutor.

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 of IPC and 21(1) Mines and Minerals (Development and Regulations) Act 1957, in Crime No.237 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had transported 1 unit of river sand by using Tractor, without any valid licence. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. The learned counsel further submitted that without prejudice to his defence, the petitioners are prepared to deposit a considerable amount to any charitable organization. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the quantity of sand involved is 1 unit. He further submitted that totally there are three accused persons in this case. A1 is the owner of the vehicle, A2 and A3 are the brokers dealing with the sand. He further submitted that the petitioners have no previous case. However, he opposed for the grant of anticipatory bail to the petitioners.

5.In view of the fact that there is no previous case against the petitioners and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners / A1, A2 and A3 are directed to deposit a sum of Rs.10,000/-, 5,000/- and 5,000/- respectively to the Adyar Cancer Institute WIA No.38, Childrens Park Access Road, IIT Post, Guindy National Park, Guindy, Chennai, Tamil Nadu-600 036, without prejudice to their rights and contentions before the trial Court.

6.Merely, because the petitioners deposit the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners / A1, A2 and A3 are directed to deposit a sum of **Rs.10,000/-, Rs.5,000/- and Rs.5,000/- respectively by way of NEFT/RTGS to the Adyar Cancer Institute WIA No.38, Childrens Park Access Road, IIT Post, Guindy National Park, Guindy, Chennai, Tamil Nadu-600 036, PH. No.044 2220 9150 bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, Chennai, as non refundable deposit**, and on such deposit and production of proof, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate – I, Nagapattinam District**, on condition that the each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with **one surety** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of

their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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Internet : Yes/No

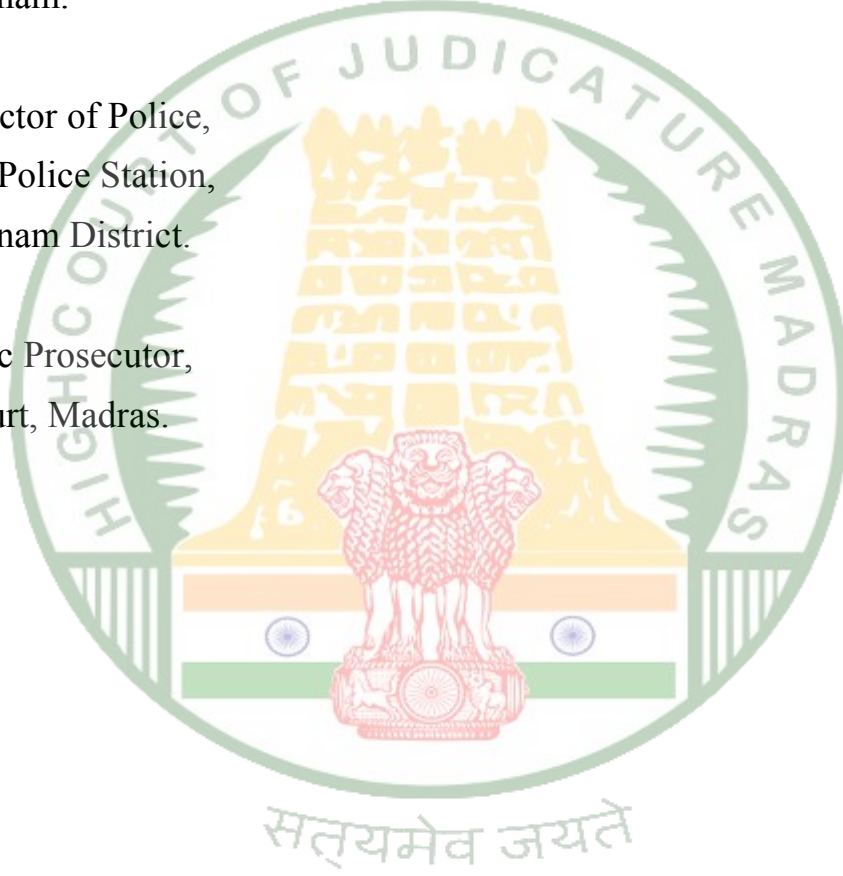
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To

1. The Judicial Magistrate – I,
Nagapattinam.

2. The Inspector of Police,
Keevalur Police Station,
Nagapattinam District.

3. The Public Prosecutor,
High Court, Madras.

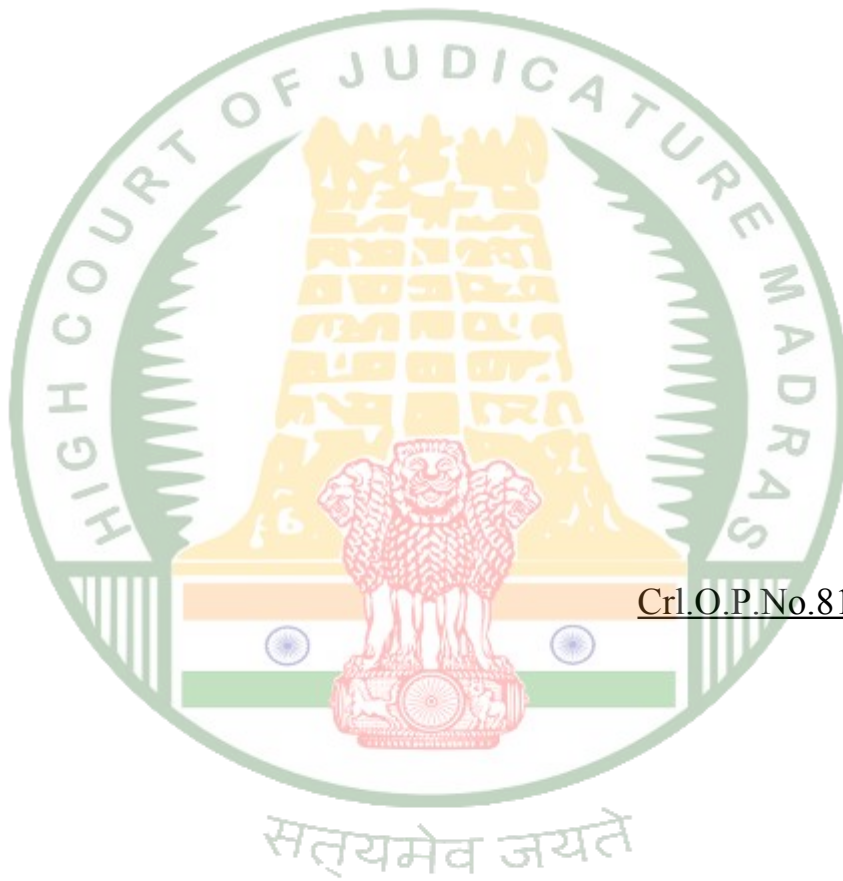


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