

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10578 of 2020

Baskar

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Manalmedu Police Station,
Nagapattinam District.

Crime No.77 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.77 of 2020 pending on the file of the respondent.

For Petitioner : M/s.V.Sakkarapani

J.Thilagavathy

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for an offence punishable under Sections 379, 353 I.P.C & 21(1) of Mines & Minerals (Development and Regulation) Act 1957 in Crime No.77 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent Police were on duty, one Priya who was working as a Assistant Director of Geography and Tunnel Department, Nagapattinam District, had given a complaint that when she had conducted a raid, the petitioner was found transporting 3 units of river sand by using Tipper Lorry without any permission. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the offence alleged and the allegation is false, vindictive and wanton. On

instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable organization. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had indulged in illicit quarrying of 3 units of river sand by using Tipper Lorry. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. In order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) as non refundable deposit to **'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172** without prejudice to their rights and contentions before the Trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his 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 petitioner with certain conditions :-

[a] The petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) as non-refundable deposit through RTGS/NEFT or demand draft in favour of **'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] **the petitioner shall report before the respondent police every Monday and Friday at 10.30 a.m. until further orders.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

8. With the above directions, this Criminal Original Petition is ordered.

9. For reporting compliance, post on 04.08.2020.

-sd/-
15/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
MANALMEDU POLICE STATION,
NAGAPATTINAM DISTRICT

3 THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SB.A/C. NO.
117201000000070, IFSC CODE. NO.IOBA0001172

CC to M/S. V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.10578/2020

Date :15/07/2020