

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2020

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 13063 of 2020

1. Manivannan @ Padai Mani
2. Raja

... Petitioners

Vs.

State represented by
The Inspector of Police,
B6 Magaral Police Station,
Kancheepuram District,
Crime No.556 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest concerned in Crime No. 556 of 2020 pending on the file of the respondent.

For Petitioners : Mr.J.Arul Prakasam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 430 of IPC r/w 21(5) of Mines and Minerals (Development and Regulations) Act 1957 and Section 3(1) of TNPPDL Act, 1992, in Crime No.556 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution is that the accused were three in numbers and they had taken six lorries and had loaded with one unit of sand in each lorries and on seeing the respondent, they attempted to ran away. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and seeks permission of this Court to with draw the petition in respect of the second petitioner. He would further submit that the first petitioner has been been falsely implicated in this case since he happens to be the owner of the vehicle bearing Registration Number TN 09 AM 9514 and he has no previous case against him. On instruction, he would further submit that taking into consideration the present Covid pandemic situation the first

petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners and the other accused loaded one unit of sand each in five lorries. He further submitted that the second petitioner has been arrested in connection with the crime no.2243 of 2020. However, he opposed for grant of anticipatory bail to the petitioners.

5. In order to curb the illegal sand mining activities and taking into consideration the voluntary submission made by the first petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the first petitioner may be directed to donate/pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to **"Little drops, A/c.No.05811010002400, Oriental bank of commerce, Moulivakkam Branch, Chennai, IFSC Code No. ORBC0100581"**, without prejudice to his rights and contentions before the trial Court.

6. Merely, because the first 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 first petitioner with certain conditions and in respect of the second petitioner, the petition is dismissed as withdrawn.

(a) The first petitioner is directed to pay a sum of Rs.20,000/- either through RTGS/NEFT or in cash in favour of **"Little drops, A/c.No.05811010002400, Oriental bank of commerce, Moulivakkam Branch, Chennai, IFSC Code No. ORBC0100581"** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the first petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of payment of the above amount and on further condition that the first 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 first petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

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

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

[e] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 **17.09.2020**.

-sd/-

27/08/2020

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

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TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B6 MAGARAL POLICE STATION,
KANCHEEPURAM DISTRICT.

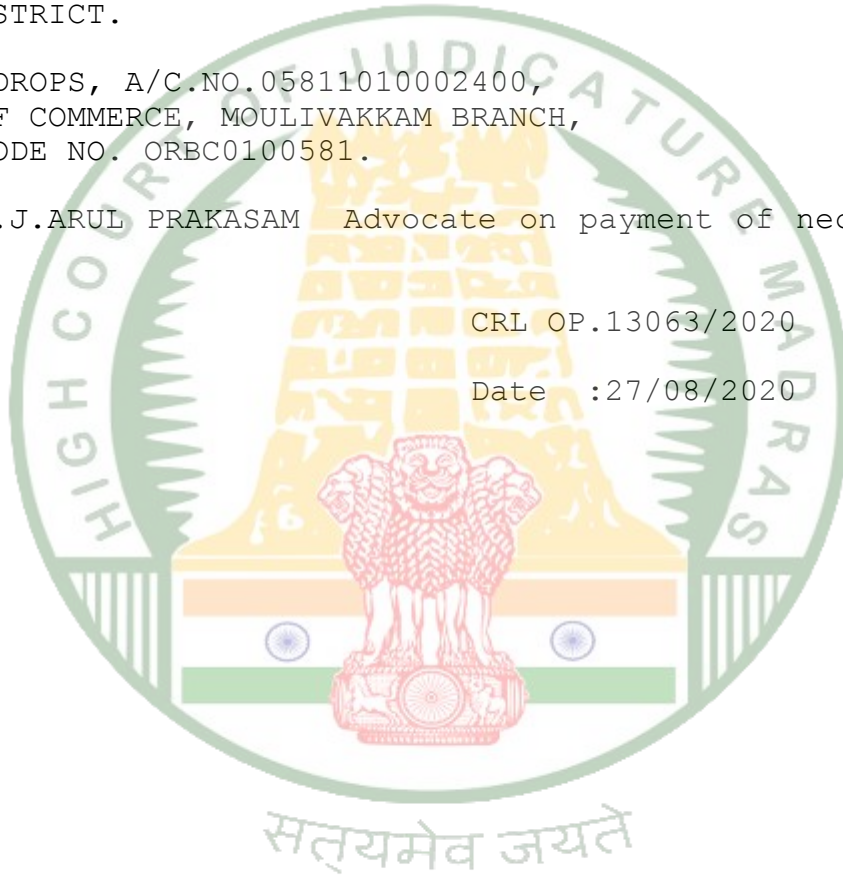
4 THE LITTLE DROPS, A/C.NO.05811010002400,
ORIENTAL BANK OF COMMERCE, MOULIVAKKAM BRANCH,
CHENNAI, IFSC CODE NO. ORBC0100581.

CC to M/S.J.ARUL PRAKASAM Advocate on payment of necessary
charges

CRL OP.13063/2020

Date :27/08/2020

MK:07/09/2020



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