

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1249 of 2021

M.Nageshwara Rao

... Petitioner

Vs.

State of Tamilnadu

... Respondent

Represented by the Inspector of Police,
SIPCOT Police Station, Vellore District.
(Crime No.648 of 2020)

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 in Crime No.648 of 2020 on the file of the Inspector of Police, SIPCOT Police Station, Vellore District., pending investigation.

For Petitioner : Mr.R. Harishankar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 284,430 of I.P.C r/w Sections 41 and 47 of The Water(Prevention and Control of Pollution) Act, 1974 and Sections 15(1) and 15(2) of Environment Protection Act, 1986, in Crime No.648 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. Totally there are five accused in this case and the petitioner is A3. It is alleged that a tanker lorry belonging to the petitioner is carrying sewage water which contains huge level of impurities and discharging the same in the nearby villages. Hence, the crime was registered.

3.The learned counsel for the petitioner would submit that the petitioner is only a contractor in Malladi Drugs and paramedicals Ltds. For transporting industrial products and he never involved in transporting sewage water as stated by the respondent police and he has been falsely implicated in the case. Hence, he

4.The learned Additional Public Prosecutor opposed the Anticipatory bail application stating that the tanker lorry carrying industrial waste from the chemical industry and discharge the effluents in barren land / forest/ poramboke land. Hence, the crime came to be registered.

5.Considering the fact that the petitioner is only the contractor for transporting industrial products and he has also filed an affidavit of undertaking that he will not involve in violation of any criminal activities affecting Pollution Control Acts, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 Ranipet, Vellore District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 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].

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

-sd/-
15/02/2021

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 JUDICIAL MAGISTRATE,
RANIPET, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
VELLORE DISTRICT.

+1 CC to M/S.S.GIRITHARAN Advocate on payment of necessary charges SR NO. 1613

सत्यमेव जयते

CRL OP.1249/2021

Date :15/02/2021

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