

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1695 of 2021

M.Govintharajulu

.. Petitioner

Vs.

The State Rep. By
Inspector of Police
Pallipattu Police Station,
Pallipattun, Thiruvallur District.
Crime No.8 of 2021.

.. 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.8 of 2021 on the file of the Inspector of Police, Pallipattu Police Station, Pallipattun, Thiruvallur District.

For Petitioner : Mr.M.V.Deenadhayalan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379, 430 of IPC r/w 21(1) of Mines & Minerals (Development and Regulation) Act, 1957, in Crime No.8 of 2021, on the file of the respondent police, seeks anticipatory bail.

2 It is the case of the prosecution that the petitioner is the owner of the vehicle. He is said to have illegally transported 1/2 unit of river sand by using tractor without any valid licence. Hence, the case.

3 The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is falsely implicated in this case. He did not commit any offences as alleged by the prosecution. However, on instruction, he would further submit that taking into consideration the present Covid pandemic situation the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to his defence and prays for grant of anticipatory bail.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of river sand involved is ½ unit. He further submitted that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5 In order to curb the illegal sand mining activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to donate/pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Tamil Nadu Advocate Clerk Association, High Court Madras, Indian Bank, High Court Branch, A/c.No.484026006 IFSC.No. IDIB000M157, without prejudice to his right and contention 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 and also considering that there is no previous antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) either through RTGS/NEFT or in cash in favour of Tamil Nadu Advocate Clerk Association, High Court Madras, Indian Bank, High Court Branch, A/c.No.484026006 IFSC.No. IDIB000M157, 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 payment of the above amount and on further condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties 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 organization.

[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
<https://hcservices.ecourts.gov.in/hcservices/>

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT MADRAS, INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157.

+1 CC to M/S.M.V.DEENADHAYALAN Advocate on payment of necessary
charges SR NO. 1207

CRL OP.1695/2021

Date :04/02/2021

MN-09/02/2021



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