

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3370 of 2021

1. Venkatesan
2. Sanguthala

... Petitioners

-Vs-

The State rep. by
The Inspector of Police,
C-5, Vengal Police Station,
Thiruvallur District.
(Crime No.59 of 2021)

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioners on bail in the event of their arrest in Crime No.59 of 2021 on the file of the respondent police.

For Petitioners : Mr.V.Bhagyaraj

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference)

The petitioners, who were apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 and 430 of IPC Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.59 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.02.2021 the petitioners have illegally transported 1-1/2 units of river sand without any valid permission. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. On instruction, he would further submit that the petitioners are prepared to deposit some considerable amount to any charitable organization or association without prejudice to his contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have illegally transported 1-1/2 units of river sand without any valid permission. He would submit that the respondent police seized the said Lorry. He further submitted that there are three cases are pending against the petitioners.

5. In order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) as non refundable deposit to "St.Soosaiyappar, Karunai Illam, Home for the Destitutes, R.C.Primary School, Punnai Nagar, Holy Cross Road, Nagercoil-629 004, Tamil Nadu Mercantile Bank Limited, A/C.No.005100050309131, IFSC Code. No.TMBL0000005" without prejudice to his 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.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "St.Soosaiyappar, Karunai Illam, Home for the Destitutes, R.C.Primary School, Punnai Nagar, Holy Cross Road, Nagercoil-629 004, Tamil Nadu Mercantile Bank Limited, A/C.No.005100050309131, IFSC Code. No.TMBL0000005" and on such payment and production of proof of deposit of the above amount, he shall be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Thiruvallur, on condition that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees 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:

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

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

[e] the petitioners 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.

-sd/-

22/02/2021

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

TRUE COPY

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

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

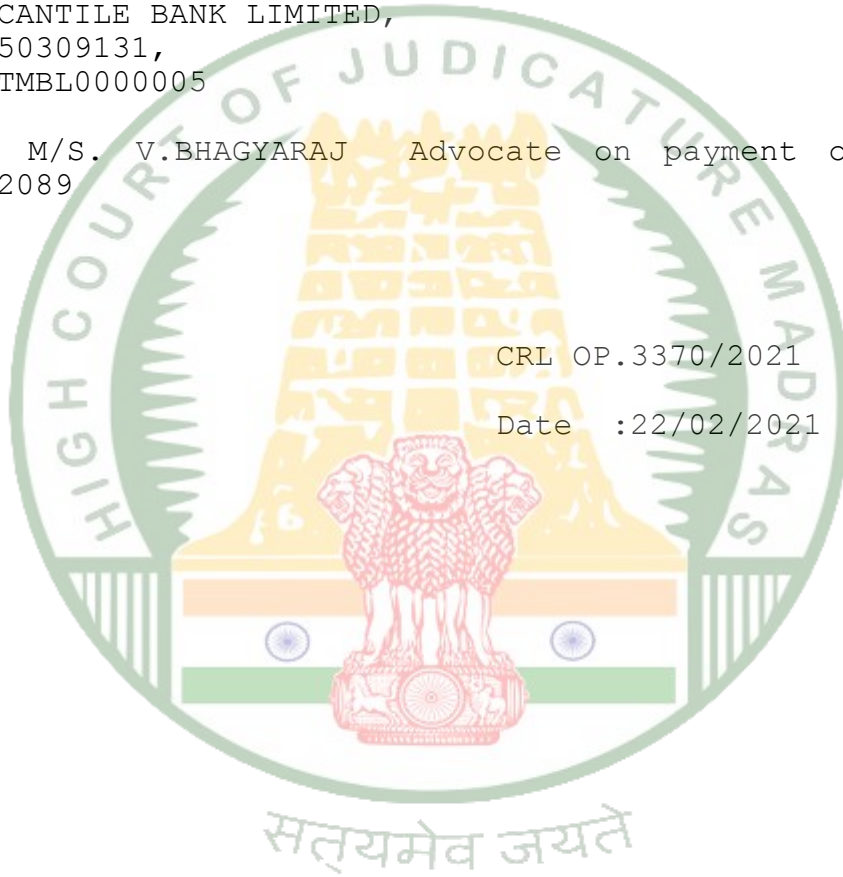
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-5, VENGAL POLICE STATION,
THIRUVALLUR DISTRICT.

5 ST.SOOSAIYAPPAR, KARUNAI ILLAM,
HOME FOR THE DESTITUTES,
R.C.PRIMARY SCHOOL, PUNNAI NAGAR,
HOLY CROSS ROAD, NAGERCOIL-629 004,
TAMIL NADU MERCANTILE BANK LIMITED,
A/C.NO.005100050309131,
IFSC CODE. NO.TMBL0000005

+1 CC to M/S. V.BHAGYARAJ Advocate on payment of necessary
charges SR.No.2089

cs 02/03/2021



CRL OP.3370/2021

Date :22/02/2021

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