

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4812 of 2021

SILAMBARASAN

PETITIONER / ACCUSED 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THANDRAMPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.45 OF 2020

RESPONDENT

For Petitioner : M/S.S.SEENUVASAN Advocate

For Respondent : MR.S.KARTHIKEYAN
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police in connection with a case registered in Crime No.45 of 2020 for the alleged offence punishable under sections 379 and 430 of IPC r/w Section 21(1) of The Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of The Tamil Nadu Public Property (Prevention of Loss and Damage) Act, 1992, seeks anticipatory bail.

2. The case of the prosecution is that on 28.02.201 at about 04.00a.m., when the respondent police was on routine raid, two Ashok Leyland lorries bearing Regn. No.TN 63 Y 8426 and TN 67 D 0140 were found transporting six units of illegally mined soil (ordinarily used for making bricks).

Hence, a criminal case came to be registered on a

complaint from the Sub Inspector of Police. The police had seized the lorries with the illegally quarried soil and also a numberless JCB which was used for quarrying soil.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent of the alleged offence and he is no way connected with the offence. He further submitted that he has been falsely implicated as accused in this case. The petitioner is ready to abide by any conditions that may be imposed by this court in the event of granting anticipatory bail. The learned counsel further, on instructions, submitted that without prejudice to his rights and contentions, the petitioner is prepared to donate a considerable amount to charity and prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition stating that the petitioner has indulged in transportation of illegally quarried soil without having a valid license and hence, the respondent police had seized the vehicle with the illegally quarried soil. He, however, submitted that there is no previous case pending against the petitioner.

5. In order to curb the illegal transportation of mines and minerals and taking into consideration of the voluntary submission made by the petitioner offering to donate a considerable amount for charity, this Court is of the opinion that the petitioner may be directed to donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to charity without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has donated some 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 the fact that there is no previous antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

(a) The petitioner shall donate a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) either in cash or demand draft or through any other electronic mode to the **credit of A/c 1026101033653 maintained by Sri Saratha Devi Anbu Illam** (Contact No. 9791584495) with Canara Bank (IFSC CNRB0001026), Kanniyakumari Branch, within fifteen (15) days from the date of receipt of a copy of this order and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance before the learned Judicial Magistrate, Tiruvannamalai, on his executing 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, and on further condition that: -

[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 as and when required for the interrogation.

[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 were imposed and the petitioner has been released on bail by the learned Magistrate himself/Trial Court 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/03/2021

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, TIRUVANNAMALAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE (FOR INFORMATION)
TIRUVANNAMALAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THANDRAMPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.
- 4.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.
- 5.THE OFFICER INCHARGE,
SRI SARATHA DEVI ANBU ILLAM,
KANNIYAKUMARI DISTRICT.
(CONTACT NO.9791584495)

CRI OP.4812/2021

Date :19/03/2021

KMK
TK/16.04.2021

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