

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No. 5044 of 2021

1.Sriram @ Sriramulu
2.Babu

... Petitioners

-Vs-

The State
Represented by its,
The Inspector of Police,
Kanakamchathiram Police Station,
Thiruvallur District.
(Crime No. 48 of 2021)

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure to grant anticipatory bail in the event of his arrest in Crime No. 48 of 2021 on the file of the respondent police.

For Petitioners : Mr.R.Vivekananthan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 379 and 430 IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) At, 1957, in Crime No. 48 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that on 14.02.2021 at about 6.45 a.m., while patrolling near Nemili River bank, noticed that two tractors were standing without having registration number and after seeing the police, both of them ran away from the spot leaving behind the tractors. On inspecting the tractors, two ¼ units of sands were seized. Hence, the complaint was registered in Crime No. 48 of 2021.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On instructions, he would further submit

that the petitioners are prepared to deposit some considerable amount to any charitable organization or association without prejudice to their contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners had illegally transported half units river sand by using lorry without any valid permission. He would further submit that the petitioners are the owner of the vehicle. He would submit that the respondent police seized the said vehicle and half units of river sand. He further submitted that there is no previous case is pending as against the petitioners.

5. It is seen that there is no previous case is pending as against the petitioners and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) as non refundable deposit to "Vallalar Manavar Illam, Mathur, Manaviduthy Post, Prungalur(via), Pudukottai District - 622 203, Indian Bank, Pudukottai Branch, A/C.No.478041668, IFSC Code. No.IDIB000P050" without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 petitioners with certain conditions:

(a) The petitioners are directed to deposit a sum of Rs.50,00/- (Rupees Five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "Vallalar Manavar Illam, Mathur, Manaviduthy Post, Prungalur(via), Pudukottai District - 622 203, Indian Bank, Pudukottai Branch, A/C.No.478041668, IFSC Code. No.IDIB000P050", and on such payment and production of proof of deposit of the above amount, they shall 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 No.1, Thiruttani, on condition that each of the petitioners 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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/-

22/03/2021

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, सत्यमेव जयते
THIRUTTANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANAKAMCHATHIRAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 VALLALAR MANAVAR ILLAM, MATHUR,
MANAVIDUTHY POST, PRUNGALUR (VIA),
PUDUKOTTAI DISTRICT - 622 203,
INDIAN BANK, PUDUKOTTAI BRANCH,
A/C.NO.478041668, IFSC CODE. NO.IDIB000P050"

CC to M/S.R.VIVEKANANTHAN Advocate on payment of necessary
charges SR.NO.3900

CRL OP.5044/2021

Date :22/03/2021

rvr 30/03/2021



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