

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No. 5287 of 2021

Chandru @ Chandraboss

... Petitioner

-Vs-

The State of Tamil Nadu
Represented by its,
The Inspector of Police,
Kodavasal,
Thiruvarur District.
(Crime No. 1546 of 2020)

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure to enlarge the petitioner on anticipatory bail in the event of arrest connection with Crime No.1546 of 2020 pending investigation on the file of the respondent/police.

For Petitioner : Mr.M.Jaikumar

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 under Section 379 IPC read with Section 21(1) of Mines and Minerals (Development & Regulation) At, 1957, in Crime No. 1546 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner(A2) along with the another person illegally transported 14 units of sand in Swaraj Tractor with Tipper bearing Registration 843 CM. Hence, the complaint was registered in Crime No. 1546 of 2020.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. On instructions, he would further submit that the petitioner is 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 petitioner had illegally transported 14 units of sand in Swaraj Tractor and Tipper Bearing Registration 843 XM without any valid permission. He would submit that the petitioner is the driver of the vehicle and the respondent police seized the said vehicle along with 14 units of sand. He further submitted that no previous case is pending as against the petitioner.

5. It is seen that no previous case is pending as against the petitioner and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioner may be directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as non refundable deposit to 'Sri Premananda Trust, Melapachakudi Village, Fathima Nagar, (via) Viralalimalai, Pudukottai - 621 316, Punjab National Bank, A/C.No.1088000106079796, IFSC Code. No.PUNB0108800" 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 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 petitioner with certain conditions:

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of 'Sri Premananda Trust, Melapachakudi Village, Fathima Nagar, (via) Viralalimalai, Pudukottai - 621 316, Punjab National Bank, A/C.No.1088000106079796, IFSC Code. No.PUNB0108800", and on such payment and production of proof of deposit of the above amount, the petitioner 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, Thiruvavur, on condition that 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 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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 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

सत्यमेव जयते

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

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KODAVASAL,
THIRUVARUR DISTRICT.

5 SRI PREMANANDA TRUST,
MELAPACHAKUDI VILLAGE, FATHIMA NAGAR,
(VIA) VIRALALIMALAI, PUDUKOTTAI - 621 316,
PUNJAB NATIONAL BANK,
A/C.NO.1088000106079796,
IFSC CODE. NO.PUNB0108800

+1 CC to M/S.M.JAIKUMAR Advocate on payment of necessary charges
SR.No.3852

cs 30/03/2021



CRL OP.5287/2021

Date :22/03/2021

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