

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6302 of 2021

1 V.SOWRIRAJAN
2 A.MANOHARAN

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
VANUR POLICE STATION,
VILLUPURAM.
CRIME NO. 49 OF 2021

[RESPONDENT]

For Petitioner : M/S.J.PRAKASH Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police in connection with a case registered in Crime No.49 of 2021 for the alleged offence punishable under sections 379 and 430 of IPC, and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, seek anticipatory bail.

2. The case of the prosecution is that on 17.03.2021, when the respondent police was on routine raid, lorries bearing Regn. No. TN 16 E 9918 and TN 16 E 6985 were found transporting six units of red sand without a valid permit. The petitioners are stated to be owners cum drivers of the vehicles. Hence, a criminal case came to be registered on a complaint from the Village Administrative Officer. The police had seized the vehicle with the smuggled sand.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocents of the alleged offence and they are no way connected with the offence. He further submitted that he have

been falsely implicated as accused in this case when the petitioners had refused to meet out the illegal demands of the department officials, a false complaint was given implicating the petitioners. The petitioners are 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 petitioners are 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 sand without having a valid license and hence, the respondent police had seized the vehicle with the smuggled sand. He, however, submitted that there is no previous case pending against the petitioners.

5. In order to curb the illegal transportation of mines and minerals and taking into consideration of the voluntary submission made by the petitioners offering to donate a considerable amount for charity, this Court is of the opinion that the petitioners may be directed to donate a sum of Rs.30,000/- (Rupees Thirty Thousand only) jointly to charity without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioners have 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 petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions :-

(a) The petitioners shall jointly donate a sum of Rs.30,000/- (Rupees Thirty Thousand only) either in cash or demand draft or through any other electronic mode to the credit of A/c No. 954121293 maintained by Vanavil Home with Indian Bank [IDIB000N004], Nagapattinam Branch, within fifteen (15) days from the date of receipt of a copy of this order and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance before the learned Judicial Magistrate, Vanur, Villupuram District, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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 petitioners in accordance with law as if the conditions were imposed and the petitioners have 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/-
30/03/2021

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
VANUR, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VANUR POLICE STATION,
VILLUPURAM.

5 VANAVIL HOME,
INDIAN BANK [IDIB000N004],
NAGAPATTINAM BRANCH, A/C NO.954121293.

+1 CC to M/S.J.PRAKASH Advocate on payment of necessary charges
SR NO. 4277

CRL OP.6302/2021

Date :30/03/2021

MN-08/04/2021



WEB COPY