

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7770 of 2021

HARISH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE, NATRAMPALLI POLICE
STATION, TIRUPATHUR DISTRICT
CRIME NO.118/2021

[RESPONDENT]

For Petitioner : M/S.S.P.ARTHI Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 430 of IPC r/w Section 21 (1) of Mine and Minerals (Development & Regulation) Act, 1957 in Crime No.118 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of sand.

3.The learned counsel appearing for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He also submits that the petitioner had taken the sand for his own use and not for the commercial purpose. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor submitted that the vehicle involved was seized by the respondent police. He also submitted that there are two previous cases pending against the petitioner. He further submitted that if the persons are caught with illegal sand in the mining area, necessarily they could be released on bail by imposing condition of deposit of any amount as may be ordered by this Court.

5.In view of the above and also considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner may be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the concerned District Medical Officer, Tirupathur, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Trust for rehabilitation works.

6.It is made clear that the deposit of the amount by the petitioner to the Trust would amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Tirupathur, on condition that the petitioner shall execute 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:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) through demand draft to the credit of the District Medical Officer, Thiruppathur, for the treatment of the Covid-19 patients, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]; and;

(h)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
26/04/2021

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-III,
TIRUPATHUR.

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

3 THE INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
TIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

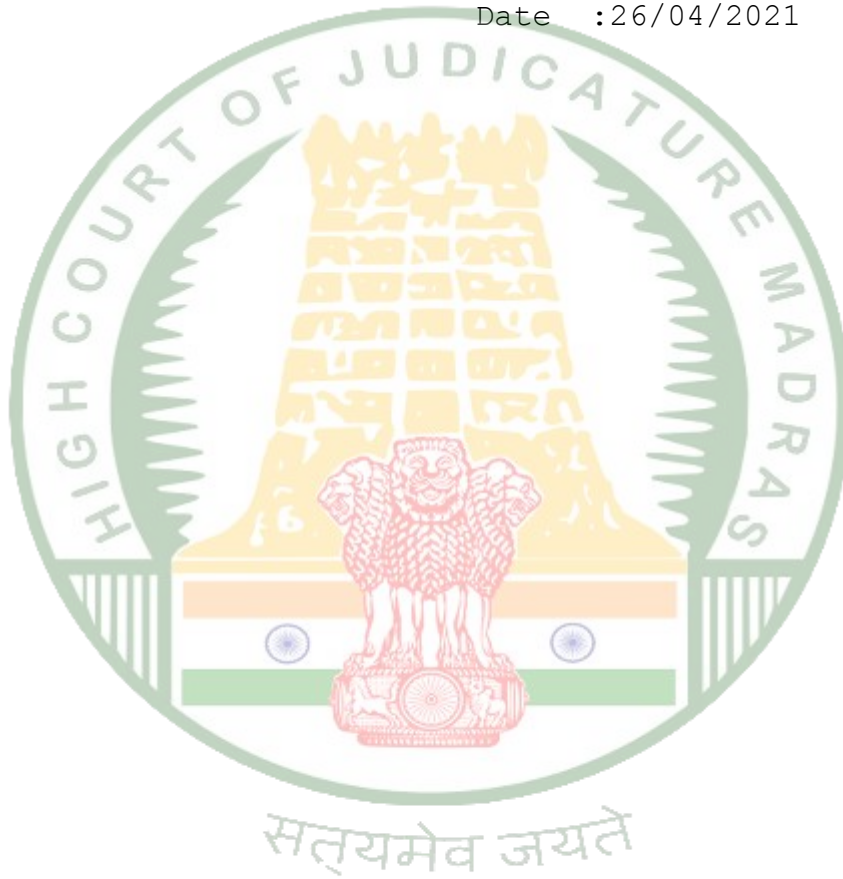
5 THE DISTRICT MEDICAL OFFICER,
TIRUPATHUR.

+1 CC to M/S.S.P.ARTHI Advocate on payment of necessary charges
SR.NO. 5384

CRL OP.7770/2021

Date :26/04/2021

MN-10/05/2021



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