

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.8958 of 2021

1 D.VIJAYAN

[PETITIONERS / ACCUSED]

2 M.ANBU @ ANBARASAN

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.
CR NO.373/2021.

For Petitioner : M/S.G.PUNNIAKOTI Advocate

For Respondent : M/S. L.BASKARAN, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 430, 379 IPC read with 21(1) of Mines and Minerals Act 1957 and 3(1) of TNPPDL Act, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused have transported $\frac{1}{4}$ unit of sand by way of Bullock Cart without valid licence.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to them.

4. The Learned Government Advocate appearing for the respondent would submit that the petitioners have illegally transported $\frac{1}{2}$ unit of sand. As far as A2 is concerned, there is no previous case against him, but the A1 has two previous cases.

5. In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners can be directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust, 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. Hence, it is open to the Trial Court to deal with the case independently.

7. In view of the above facts and circumstances of case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and costs. Accordingly, the petitioners are directed to pay a sum of Rs.10,000/- (Rupees Ten thousand only) each to Tamil Nadu Covid Relief Fund within a period of two weeks from the date on which the order copy made ready and directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust. On such deposit, the petitioners are ordered to 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, Kancheepuram, on condition that the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 have been imposed and the petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/06/2021

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,
NO.I, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE,
TAMIL NADU COVID RELIEF FUND.

6 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
CHENGALPATTU.

CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.8958/2021

Date :07/06/2021

cs 12/07/2021