

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Cr1.O.P. No.8659 of 2021

Kannadasan

.. Petitioner/ Accused

Vs.

The State Represented by
The Inspector of Police,
Velur Police Station,
Namakkal.
[Crime No.291 of 2021]

.. Respondent/ Complainant

Prayer: Criminal Original Petition filed for anticipatory bail under
Section 438 of Criminal Procedure Code.

For Petitioner : Mr.B.Vetrivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

ORDER

(The matter is heard through "Video Conferencing/Hybrid mode")

The petitioner, who apprehends arrest for the alleged offence under
Section 379 of I.P.C., in Crime No.291 of 2021 on the file of the
respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is alleged
to have transported 3 units of river sand in a Lorry bearing
Registration No.TN-31-BZ-1543 illegally.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and he has not committed any
offence as alleged by the prosecution. Hence, he prays to grant
anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent
would submit that the quantity of sand involved is three units.

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, the petitioner is directed to deposit a sum of Rs.70,000/- (Rupees Seven Thousand Only) as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust, 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 his 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. Accordingly, the petitioner is directed to deposit a sum of Rs.70,000/- (Rupees Seven Thousand Only) as non-refundable deposit to the credit of the concerned District Mineral Foundation Trust and on such deposit 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 on which the order copy made ready, before the learned Judicial Magistrate, Paramathy, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 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 interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial; and

[e] 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];

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

-sd/-
06/05/2021

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,
PARAMATHY.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
NAMAKKAL.

+1 CC to M/S. B.VETRIVEL Advocate on payment of necessary charges
SR.NO. 6032

सत्यमेव जयते
WEB COPY

CRL OP.8659/2021

Date :06/05/2021

MN-12/05/2021