

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9055 of 2021

1. Devandiran
2. Saravanan

.. Petitioners

Vs.

State Rep by Inspector of Police
Kachirapalayam Police Station,
Villupuram.
Crime No.969 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on anticipatory bail in the event of arrest or surrender in connection with Crime No.969 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Vetrivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC, 1860 in Crime No.969 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had transported 3 units of river sand illegally by using a vehicle, bearing Registration No.TN-28-BB-9304, without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the quantity of river sand involved is 3 units. He further submitted that there is no previous case pending against the petitioners.

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.45,000/- (Rupees Forty Five 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 petitioners have 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 petitioners with certain conditions. Accordingly, the petitioners are directed to deposit a sum of Rs.45,000/- (Rupees Forty Five thousand only) as non refundable deposit to the credit of the concerned District Mineral Foundation Trust and 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-I, Kallakurichi, 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 two 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 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/-

13/05/2021

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,
NO.I, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KACHIRAPALAYAM POLICE STATION,
VILLUPURAM.

5 THE OFFICER INCHARGE
DISTRICT MINERAL FOUNDATION TRUST,
VILLUPURAM.

+1 CC to M/S.B.VETRIVEL Advocate on payment of necessary charges
SR.No.6222

CRL OP.9055/2021

Date :13/05/2021

cs 17/06/2021