



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11962 of 2021

Prakash

.. Petitioner

-Vs-

The Inspector of Police,
Vikkiramangalam Police Station,
Ariyalur District.
Crime No.292 of 2021.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.PC to enlarge the petitioner/accused on bail in the event of his arrest in Crime No.292 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.Thiyagarajan

For Respondent : Mr.C.E.Pratap Government Advocate
(Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC and r/w 21(1) of Mines and Minerals (Development and Regulations) Act 1957, in Crime No.292 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported 2 units of sand by using tipper lorry, without any permission. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.25,000/- to the credit of the concerned District Mineral Foundation Trust. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that the vehicle involved was seized by the respondent police and there is no previous case pending against the petitioner. He further submitted that if the person is caught with illegal sand in the mining area, necessarily he could be released on bail by imposing condition of deposit of any amount as may be ordered by this Court. In view of



(d) 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.

(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/-
12/07/2021

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 PRINCIPAL SESSIONS JUDGE
ARIYALUR.

2 THE INSPECTOR OF POLICE
VIKKIRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
ARIYALUR.

CC to M/S.B.THIYAGARAJAN Advocate on payment of necessary charges

CRL OP.11962/2021

Date :12/07/2021