

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.18826 of 2020

1.Natarajan
2.Raja

... Petitioners

Vs.

State rep. by
Inspector of Police,
Oragadam Police Station
Kancheepuram District.
Crime No.1696 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.1696 of 2020, on the file of Inspector of police Oragadam Police Station, Kancheepuram District, on our appearance before the concerned court.

For Petitioners : Mr.C.E.Pratap

For Respondent : Mr.S.Karthikeyan,
Addl. Public Prosecutor

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 under Section 379 IPC r/w.4(1) 1(A), 21(1) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.1696 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners have transported "Sakkaikal" illegally by using the vehicle bearing registration No.TN-11-9813, without any valid licence. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. On instruction, he would further submit that the petitioners are prepared to deposit some considerable amount to any charitable organization or association without prejudice to their contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner transported "Sakkaikal" illegally by using the vehicle bearing registration No.TN-11-9813, without any valid licence and that the vehicle was seized. He further submitted that there is no previous case pending against the petitioner.

5. It is seen that there is no previous case pending against the petitioner and in order to curb the illegal sand mining activities, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) as non-refundable deposit to 'The SIP Memorial Trust, (AIDS Affected Children), No.16, Nabigal Nayagam Nagar, Vetri Selvi Anbalagan Nagar, Chennai-600 082', A/C.No.016010100524384, IFSC Code. No.UTIB0000016 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. 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.

(a) The petitioners are directed to deposit a sum of Rs.10,000/- as non-refundable deposit either through RTGS/NEFT or in cash in favour of 'The SIP Memorial Trust, (AIDS Affected Children), No.16, Nabigal Nayagam Nagar, Vetri Selvi Anbalagan Nagar, Chennai-600 082', A/C.No.016010100524384, IFSC Code. No.UTIB0000016 within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of their arrest or their appearance and on production of proof of deposit of the above amount and on further condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioners shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

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

[c] 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 the interrogation.

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

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

[f] 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].

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ORAGADAM POLICE STATION,
KANCHEEPURAM DISTRICT.

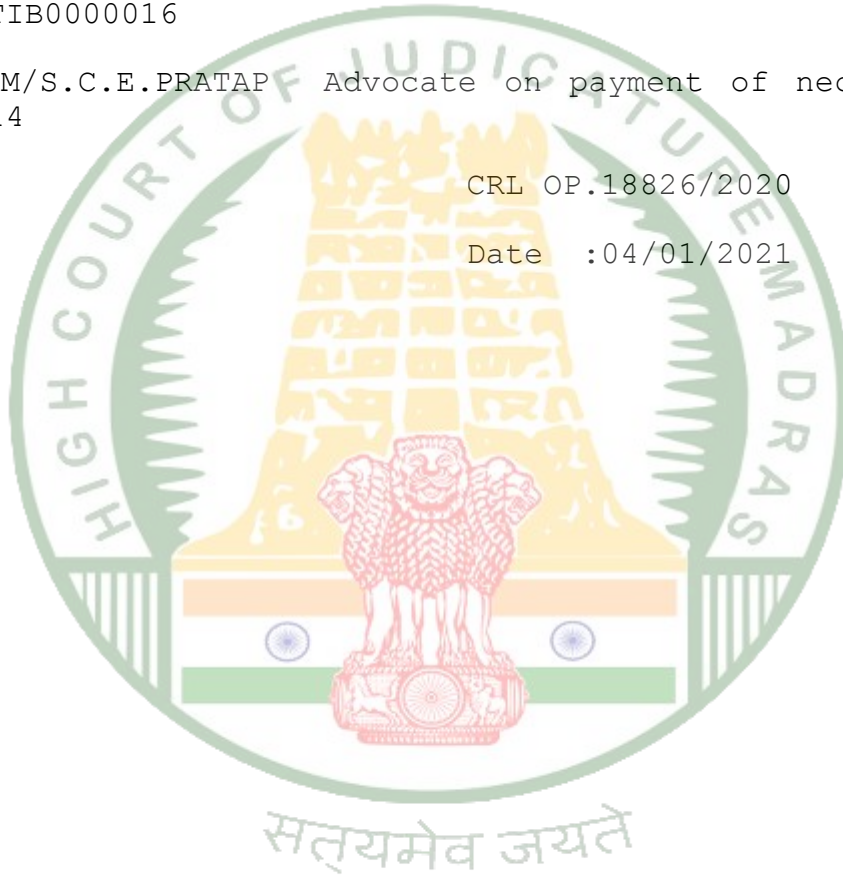
5 THE SIP MEMORIAL TRUST, (AIDS AFFECTED CHILDREN),
NO.16, NABIGAL NAYAGAM NAGAR, VETRI SELVI ANBALAGAN NAGAR,
CHENNAI-600 082', A/C.NO.016010100524384,
IFSC CODE. NO.UTIB0000016

+1CC to M/S.C.E.PRATAP Advocate on payment of necessary
charges SR NO.114

CRL OP.18826/2020

Date :04/01/2021

MK:11/01/2021



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