



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19774 of 2021

R.VEDANARAYANAN

[PETITIONER / ACCUSED]

Vs

STATE OF TAMIL NADU REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, SALEM.
(CRIME NO.2 OF 2015)

[RESPONDENT]

For Petitioner : M/S.M.MOHAMED RIYAZ Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 447 & 379 of I.P.C r/w Section 21(1) & 4(1) of Mines and Minerals (Regulation and Development) Act in Cr.No.2 of 2015, seeks anticipatory bail.

2.It is the case of the prosecution that for violation in the quarry of mineral granted to one Karthick for removal of gravel earth from the village lake of Manathal in Survey Nos. 1/1 (part), 24/1 (part) and 24/2 (part) in an extent of 4.25 Hectares under Tamil Nadu Mines and Minerals Act. The petitioner who was working as Assistant Engineer then at that place was summoned and the enquiry was conducted by the Investigating Officer on the basis of the complaint lodged by the De-facto Complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is a Government servant presently working as Assistant Engineer, PWD at Vazhapadi and nothing to do with the said offence committed by some other persons. Hence prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case.



5. A careful consideration of the submissions reveal that at that particular point of time when violations were committed, the petitioner was working as Assistant Engineer in the said place except for the petitioner's employment in the said place as Assistant Engineer, no other allegations have been against the petitioner. Such being the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No-IV, Salem, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 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;



(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

25/10/2021

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.IV, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.11924

CRL OP.19774/2021

Date :25/10/2021

CSK 01/11/2021