

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20873 of 2020

Magendhiran

... Petitioner/Single Accused

vs.

The State, represented by,
The Inspector of Police,
Thoothur Police Station,
Ariyalur Taluk & District.
Crime No.317 of 2020

.... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest in connection with Crime No.317 of 2020, on th file of the Inspector of Police, Thoothur Police Station, Ariyalur District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 21(1) of Tamilnadu Mines and Minerals (Development and Regulation) Act 1957, r/w 379 of IPC, in Crime No.317 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner has transported ½ unit of river sand illegally by using his Mahindra Bolero Maxi Truck without any valid licence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. On instruction, he would further submit that the petitioner is prepared to deposit a considerable amount to any charitable organization or association without prejudice to his contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of river sand involved is ½ unit. 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 petitioner is 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 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.

(a) The petitioner is 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 petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (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 petitioner 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 petitioner 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 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 the interrogation.

[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].

[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

TRUE COPY

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

TO

1 THE PRINCIPAL DISTRICT &
SESSION JUDGE, ARIYALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THOOTHUR POLICE STATION,
ARIYALUR TALUK AND DISTRICT.

4 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

CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges Sr.69

CRL OP.20873/2020

Date :04/01/2021

RVR 07/01/2021